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THE ADVENTURES OF A MODERN PRINCE

LUIGI AMEDEO, DUKE OF THE ABRUZZI

BY

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ILLUSTRATED WITH PHOTOGRAPHS

AT daybreak on the 12th of last September, the steamer *Oceana*, arriving from Bombay, entered the port of Marseilles. Among the noisy and hurrying throng who made haste to land as soon as the vessel was docked there was one who seemed to be the object of deferential curiosity: the captain and his officers escorted him to the gang-plank; some of the passengers saluted him. He was still a young man, in spite of the fact that the hair at his temples, beneath his yachting cap, had begun to turn gray. Of medium height, nervous and muscular, with an energetic head, and a smooth, deeply tanned face to which two very clear gray eyes imparted fire, he suggested, as he stood there enveloped in a huge, dark-colored ulster, the classical type of the Anglo-Saxon.

Silent and courteous, he confined himself to shaking the hands that were offered, while his traveling companion endeavored to push aside

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indiscreet reporters. As soon as he reached the shore, he walked through the wind and rain straight to an automobile which was waiting near at hand, seated himself in the chauffeur's place, grasped the steering-wheel, and sped away.

Luigi Amedeo of Savoy, Duke of the Abruzzi, had returned from his expedition to the Himalayas, and was on his way to Turin.

It has been justly observed that there is no princely figure more sympathetic and attractive than he; we should feel tempted to add that there is none more enigmatic. The Count of Turin, his brother, once said: "My brother the Duke of Aosta is the dandy, my brother the Duke of the Abruzzi is the learned man, and I am the *bon vivant*—the gay boy."

Luigi Amedeo of Savoy is, in fact, a grave and singular spirit, who has grown up under the spell of the unfathomable mystery of nature, the complex problems of science. Nevertheless, we know that he has not escaped the universal law of sentiment, and that before he attacked the cliffs of far-away mountains he had already passed through the vicissitudes of a sad and romantic love affair.

It is not our place to discuss with the reader this chapter of his life, which is said to be concluded. It has already provided sufficient material for gossip for the public to have become amply informed, and for the principal figures in the tale to have suffered in their most intimate susceptibilities. This, indeed, is said to be the cause of the instinctive antipathy which the Duke of the Abruzzi expresses for journalists. Truth to tell, he seems to have been reared in the school of silence, in the solitude of the great snowy peaks, and to have brought back a reflection of their melancholy. A learned man he is without a doubt, as his scientific works, his reports of his expeditions, his notes and his reflections demonstrate. Contemplative? One wonders whether he has ever had the time to be so; for he is, above all things, a man of action, a sportsman in the fullest sense of the word, enamoured of movement, of change, possessed by a passion for danger and difficulty; he is a voluptuary of a special sort, who delights in the inward joys that peril, faced and conquered, affords him. Add to this that there is no pedantry about his learning: very simple and reserved, he always endeavors to pass unnoticed and his manners are democratic in the extreme.

An illustrious artist of the Paris Opéra, who spent a month last autumn in the same hotel with him at Salsomaggiore, the famous Italian baths, remarked to us: "We saw him arrive one day in his automobile, a few weeks after his return from the Himalayas. He was alone. No one was expecting him. He installed himself in a modest room on the second floor and went down to the table d'hôte, where he took his meals with the rest of us; he had not even brought his servants with him: his chauffeur served as his valet. As he happened to know several members of the Italian aristocracy who were stopping in the hotel, he joined our circle almost immediately.

"Naturally, he became the target for all the pretty eyes in the place, the object of all the coquetries. And I must admit that he was not insensible to these glances. He is a flirt — a taciturn flirt. One would never have imagined that the ardent and gallant man who was to be seen every evening flitting like a butterfly among the rocking-chairs could possibly be the bold explorer who had just broken the record for altitude, for his modesty was such that he never spoke of his exploits, unless in discreet allusions, when he referred to some piquant anecdote of his travels. His simplicity, which constituted his charm, was especially displayed in his attitude towards the lowly, and here is one instance of it among a thousand: At Salsomaggiore there was a laundress who had always, up to that time, enjoyed the patronage of the Duke whenever he came there to take the cure on his return from one of his expeditions. The Duke, of course, knew nothing about this matter, which was attended to by his chauffeur-valet. Now, for some reason of which I am ignorant, the servant had taken a notion to change laundresses; hence great humiliation on the part of the good little woman who, naturally, prized her celebrated patron. What was she to do? She wanted to get an explanation of the matter, at any rate; so one day she placed herself on the road where the Duke was to pass. When he came up, she said to him: 'Your Highness is no longer satisfied with your former laundress?'

"'Who said so?'

"'Why, Your Highness no longer sends me his linen, and I am very unhappy about it.'

"'My poor child,' exclaimed the Prince, 'I knew nothing about it! Come with me, and we will settle the matter out of hand.'

"No sooner said than done. The Duke ordered his chauffeur to send his linen to his usual laundress in the future, and when she narrated the incident to me (for I was also one of her patrons), she added enthusiastically:

"'And he isn't a bit proud, isn't our Duke, for he is the first man who ever lifted his hat to me.'"

After that, one can understand the popularity that he enjoys in Italy.

LUIGI AMEDEO, DUKE OF THE ABRUZZI, WHO BEAT THE NANSEN RECORD IN HIS POLAR EXPEDITION OF 1900, AND WHO IN HIS MOUNTAIN CLIMBING IN THE HIMALAYAS REACHED THE HIGHEST POINT YET ATTAINED BY MAN

THE KANCHANJUNGA, IN SIKKIM, 19,300 FEET HIGH. AFTER A PHOTOGRAPH TAKEN FROM THE VALLEY OF PRALG-TEHOU

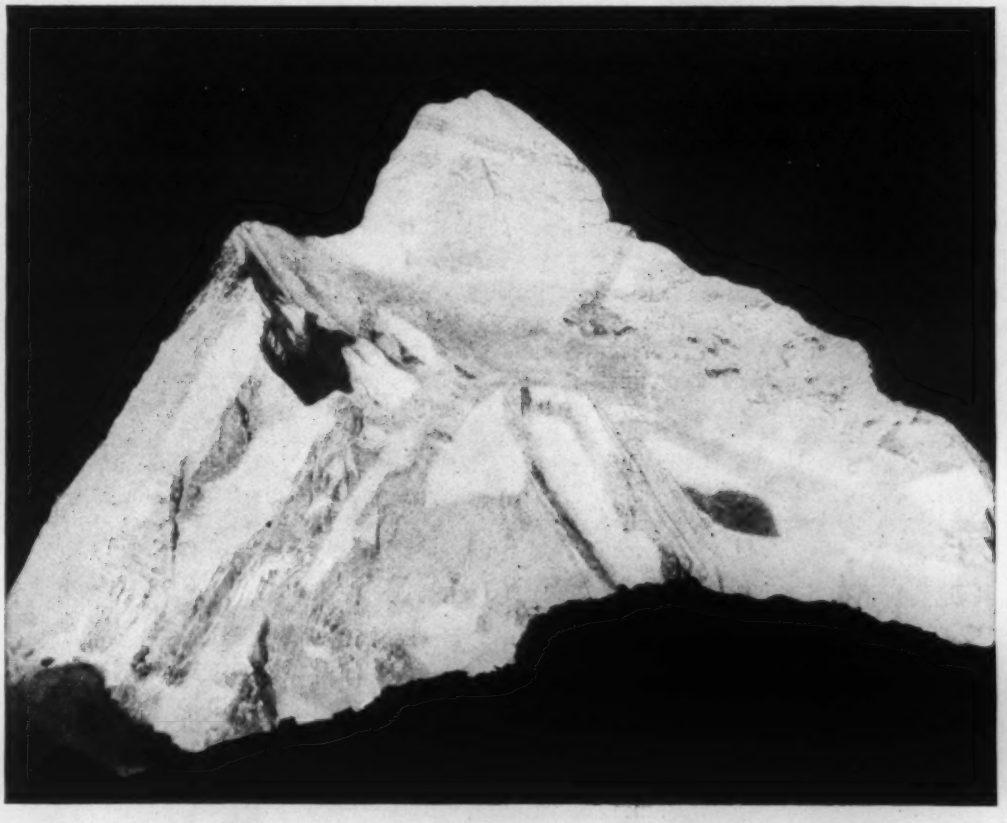
II

Such is the man. But it is, above all, in his work, which is so well known, and which, nevertheless, no one has, as yet, examined as a whole, that the personality of this modern Prince becomes clear, stands out in relief, and acquires its real value.

We have spoken of his adventurous spirit. When still almost a boy he began to train himself for the perilous enterprises that he was destined to accomplish, risking his life in difficult ascents among the Italian Alps. In the space of three years he visited all the peaks, all the "needles" that were accounted inaccessible in that fine chain of mountains which rear their snow-white masses between France, Switzerland, and Italy. Thus did he prepare himself for the first expedition that marked an important stage in his career — that in search of the North Pole.

Nansen's last exploration — the one in which he was thought to be lost forever, since he was obliged to camp for three years in the polar seas — had advanced to within two hundred and twenty-seven miles of the Pole. The Duke made up his mind to attack Nansen's record. From the moment that he came to this decision, he became entirely absorbed in his project, and, although it was his first journey in the Arctic, organized his expedition with so much foresight, and laid out his plan with so sure a touch and so much skill, that he succeeded at the first trial.

His plan was to make his way past the Emperor Franz Josef Land, beyond Spitzbergen, and to spend the winter months there on the ice, in order that he might try to reach the Pole by a dash in sledges. He made lengthy preparations for his voyage, chartering a stanch whaling-vessel, the *Polar Star*, which he was destined to render forever famous. The *Polar Star* was slow but strong; it was 130 feet in length, 30 feet in breadth, and had an engine of 60 horse-power, capable of a speed of six or seven miles an hour. This whaling-vessel



THE SUMMIT OF MOUNT JANNU, 25,353 FEET HIGH, ONE OF THE HIMALAYAN PEAKS INCLUDED IN THE DUKE'S ITINERARY

carried provisions for a stay of three years in the polar seas, tents, weapons, lamps, stores of oil and petroleum, furs, sleeping-bags, sledges, and one hundred and fifty dogs, chosen with care from the best and hardiest to be found. The crew was composed of fiery Italians and stubborn Norwegians. Frigate Captain Cagni and Dr. Carvalli accompanied the Duke, who knew that in them he had reliable and heroic assistants. And so they proved themselves to be.

In the spring of 1899 the *Polar Star* quitted the desolate shores of Spitzbergen and steered for the Pole.

The stern battle with hostile and formidable Nature began at once. The *Polar Star* had passed Rudolf Land, and was plunging deeper and deeper into the ice, when suddenly its path was blocked and the ice closed around it with terrible pressure. The situation was grave; the *Polar Star* was menaced with destruction. It was imperative that it be lightened, in order that, under the pressure, it might slide along, climb, if necessary, upon the ice.

With that spirit of decision which is his salient characteristic, the Duke acted at once; he gave orders to unload everything that was contained within the swelling sides of the *Polar Star*. With sails and rods of whalebone, a huge, stout tent was constructed which could be used as the dwelling of the whole expedition for the space of nearly a year.

Unwavering in his calmness, his confidence, the Duke upheld the morale of his companions through the interminable polar night, helped them to combat a torpor which would have been fatal, constrained them to activity, forcing them to take a few paces of exercise every day around the dreary encampment. Inside the tent, by the flickering light of the smoking lamps, he helped them to pass the time by laying out with them the plan of march for the sledges, so that, at the very first opportunity that should present itself, the dash for the mysterious and virgin Pole might be undertaken. The expedition was to be divided into three parties, each furnished with two kayaks (the light and

practical boat of the Eskimos) and fifty dogs; one was to be commanded by the Duke of the Abruzzi, another by Captain Cagni, the third by Dr. Cavalli.

The Duke had decided, while waiting for the time of departure, to make sledging trips in the neighborhood of the camp, in preparation for the final dash. The first sally came near proving fatal. The dogs had been galloping for an hour on the ice, when the fog suddenly closed in with squalls of snow, and a gale of unprecedented violence began to blow. The tracks disappeared, erased by the storm; the dogs, when they could no longer find them, rushed about bewildered, and finally, with alarming rapidity, started off down a steep slope.

"Where were we?" writes the Duke of the Abruzzi. "We were on a glacier. I dashed forward with Petigax; but we had traversed barely sixty-five feet, when we perceived that the ice came to an abrupt end. Then we tried to halt our companions by shouting to them, but in vain. The dogs, seeing Petigax's lantern in front of them, dashed on at a gallop in that direction. Cagni and I, together with our two sledges and their dogs, were precipitated from the glacier into the bay—a fall of thirty-three feet. Happily, the other sledges were able to stop in time. Cagni's first words, mingled with the howls of the dogs, made me tremble, but I was soon reassured. Like myself, he had escaped uninjured. After having calmed our comrades, who, from the top of the glacier, were pelting us with anxious questions, we waited until they could join us.

"A quarter of an hour (it seemed a century to me) elapsed. At last I breathed freely, for I caught the vague gleam of a light, and beheld the shadow of a tall man appear. It was Petigax. He was already quite close to me, and preceded our comrades and our sledges. We immediately began to hunt for our road. Petigax marched at the head. Every few moments the wind extinguished our lantern, and compelled us to halt and form a circle around it, in order to relight it. At first we tried to follow a given direction, but we were soon forced to retrace our path because of the holes and crevasses which we encountered at every step.

"At last we were able to get out of the hole into which we had fallen, and we found a smoother stretch of ice, which must be that of the bay. But even then we were not done with our troubles. We marched on haphazard, supposing that we were going in the right direction, but without knowing whither, because we could see absolutely nothing. The snow froze on our eyelashes, and from time to time we were obliged to rub them with our hands, to melt it and keep our eyelids open.

"I was already beginning to fear that we should be obliged to remain exposed to that tempest for many hours, when suddenly the sky cleared and permitted a view of the stars. We were able to recognize one of them, and we made haste to direct our march by its position. Soon we heard the distant sound of a bell, the one belonging to the camp, which our comrades, feeling uneasy about us, were ringing in order to help us recover our road.

"We had lost only one dog, which had been wounded in the fall, and two sledges, which we were obliged to abandon. I was already congratulating myself on the lucky outcome of our excursion, when, on taking off my gloves, I found the fingers of my left hand partly frozen."

"The fingers of my left hand were partly frozen." The Duke states the fact quite simply: but the injury was more far-reaching than he had supposed, for it was necessary to amputate two of his fingers to prevent gangrene.

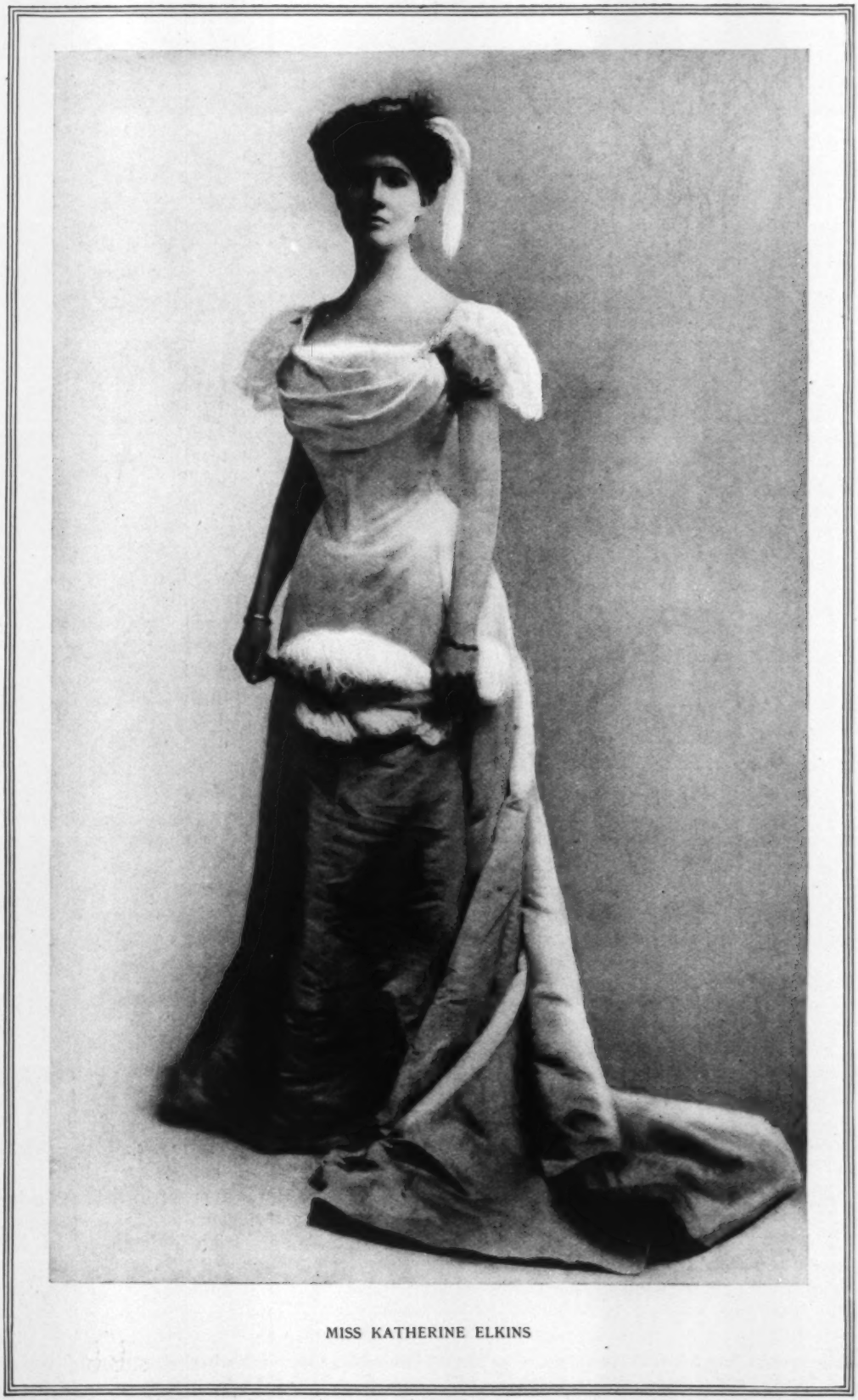
Moreover, this injury was to have distressing consequences, since he was obliged to forgo the sledge expedition that was soon to set out for the Pole. He was compelled to wait for long months — long months of hope and of anguish — for the return of his companions who had set out, after having sworn to their Prince and friend that they would save the honor of the expedition by pushing their march northward as far as human strength would permit.

On March 11, the sledges set out in two parties, constituting one expedition, under the command of Captain Cagni. He dashed forward with thirteen sledges, each loaded with six hundred and forty pounds of baggage, and drawn by one hundred and two dogs. Encamped at Cape Fligely, at a temperature of 33° below zero, the Duke, with a heavy heart, witnessed the departure of his friends, and there awaited the return of his lieutenants.

April and May passed; June was drawing to its close, and the Duke was giving up hope, when suddenly a pitiable convoy made its appearance. It was Cagni and his three companions, haggard, exhausted, at the end of their strength. They had only two sledges left; the rest they had been forced to abandon as they had been obliged gradually to sacrifice the disabled dogs. They were absent one hundred and four days.

Cagni narrated the frightful tale of his adventures, and as he pictured the dangers encountered, the hardships endured, the difficulties conquered, the Duke's regret constantly increased.

Cagni had gone farther than Nansen. On April 25 he reached latitude 86° 34′, and



MISS KATHERINE ELKINS

VITTORIO EMANUELE III., THE KING OF ITALY, FIRST COUSIN OF THE DUKE OF THE ABRUZZI

longitude 68°, and as he had then provisions for only thirty days more, two hundred rations of pemmican, four sledges, and thirty-four dogs, this result consoled the Duke for his misfortune.

"How I envy you!" he said, over and over, to his intrepid companion.

Unfortunately, dogs and sledges were not the only thing that the expedition had lost. The first party of Cagni's caravan had got separated from its commander during the return journey, had gone astray and disappeared amid the ice.

After eighteen days spent in fruitless search, the Duke of the Abruzzi was forced to give up all hope of finding his three unfortunate comrades.

Moreover, the thaw came. The *Polar Star* broke loose suddenly, and, borne by the floes of ice, floated away abruptly, while the crew were engaged in packing up their stores in order to put them aboard. A headlong chase for the

THE COUNT OF TURIN, YOUNGER BROTHER OF THE DUKE

whaler ensued — a chase in which each man boarded her in the clothes that he happened to be wearing at the moment, abandoning on the land everything — tents, weapons, furs, and so forth.

Cables were thrown out, the *Polar Star* was moored, and all the stores which the party had been afraid they must sacrifice were put on board. On August 16, 1900, the *Polar Star* quitted the Bay of Teplitz, where she had remained pocketed for almost a year.

III

The Duke brought back from this expedition a keener taste than ever for adventures far afield. He had lost all taste for sedentary life; he had but one thought: to set off afresh for other horizons, to attack new obstacles of nature.

Chance was to furnish an occasion a few months later.

In 1901, at a meeting of the English Geographical Society, Stanley expressed a wish that

"some person devoted to his task, some lover of the Alps, would take Ruwenzori as his goal, and make a finished job of it by exploring it, from top to bottom, in all its spacious valleys and its profound gorges."

From the day that wish was expressed, the Duke of the Abruzzi determined to bring it to realization.

The work was well fitted to tempt him; it gave him pleasure to coöperate with the celebrated explorer — to carry on his task and complete it. Moreover, his taste for adventure and for the unknown was peculiarly whetted by the mystery of this gigantic mountain mass, which had been forgotten for twenty-four centuries and was suddenly rediscovered on the morning of May 24, 1888, by the immortal Stanley, in the course of one of his long and daring journeys, which had led him along the shores of Lake Albert Nyanza, to the foot of a mountain with white peaks, which people declared — so his servant told him — were covered with salt. It was Ruwenzori, the marvelous pile of which the most remote history had spoken, but which was believed to be merely legendary, since the record had asserted that the Nile had its source in a mountain of silver, and that Egypt was rendered fertile by the abundant snow that fell in the heart of Africa.

The exploration of Ruwenzori had attracted several travelers — W. G. Stairs, in 1889; Dr. F. Schulmann, in 1891; G. F. Scott Elliott in 1894 and 1895; G. S. Moore and Sir Harry Johnston, in 1900; W. H. Wylde and Ward, in 1901; the Rev. A. B. Fisher, in 1903; Dr. J. David and M. T. Dawe, in 1904; Douglas W. Freshfield and A. L. Mumm, in 1905; but not one of these explorers, not one of these expeditions, had succeeded in exploring the whole of the mountain; no one had been able to describe its configuration, to make an accurate list of its peaks, to fix the line where the water-sheds part, to draw a complete map of it. Little or nothing was known even about the results that had been obtained, when the Duke of the Abruzzi decided to apply himself to the realization of the wish expressed by the great Stanley, who was fated to die before it had been granted.

The Duke made his preparations for this exploration with as much thoroughness as on previous expeditions. He selected his companions with great care, took men in whom he had perfect confidence, and devoted himself for a period of many weeks to arranging the details of the expedition. The planning of the equipment was particularly difficult, since he had to prepare himself for a long journey in the tropics and also for a prolonged sojourn amid snow and ice.

For companions the Duke of the Abruzzi selected Captain Cagni, who had already so often shared with him hardship and danger; Edward Winspeare, naval lieutenant; Achille Cavalli Molinelli, doctor major of marines; Alexandre Roccati, doctor of natural sciences; and Vittorio Sella, the photographer. To this general staff he added two experienced and reliable guides with whom he had accomplished many daring climbs, Giuseppe Petigax and Cesare Ollier, and the intrepid porters, Giuseppe Brocherel and Lorenzo Petigax; an assistant photographer, Erminio Brotta; and a well-tested cook, Igino Igini, who had already more than once cooked for His Royal Highness in queer and trying places: on the polar ice, on the ice of the mountains, and on the rocks of mountain peaks.

On April 16, 1906, the Duke of the Abruzzi and his companions in adventure embarked on board the *Burgermeister*, and sailed toward Africa, landing at Mombasa on the Indian Ocean. On May 4 the expedition took the train, which in two days conveyed them across immense and monotonous plains, depopulated by the sleeping-sickness,— that terror of Africa, — to Kisumu, on Lake Victoria, where it embarked on the evening of May 6, arriving at 3.30 in the afternoon of the 7th at Entebbe, the terminus. It was now about to plunge into semi-virgin regions.

On May 15 the preparations for departure were completed. The caravan was carrying complete materials for camp-tents, beds, sleeping-bags, camp-stools, tables, baths, tableware; hermetically sealed cases containing clothing, photographic apparatus, and instruments for zoölogical, mineralogical, and botanical research, and other cases containing the carefully packed weapons for hunting — the whole forming a total of 114 bales, numbered and labeled, which, as each bale weighed fifty pounds — amounted to a load of 5,700 pounds.

The stock of provisions had been calculated to cover an absence of forty days in the high mountains, above the snow-line, and the time requisite to reach the mountain from Entebbe and return. There were 80 packages of provisions, each of which weighed 50 pounds, making an additional burden of 4,000 pounds.

For the transportation of these 194 bales of baggage, with their total weight of 9,700 pounds, one hundred and ninety-four porters were required, to whom were added the chiefs of the caravan, and their own porters, the blacks in charge of the horses and mules, divers servants — in all, a body of four hundred persons, a perfect regiment, on whom the Duke of the Abruzzi imposed a severe but indispensable discipline.

On May 15, 1906, this imposing and picturesque troop left Entebbe for Fort-Portal, distant

THE DUCHESS OF AOSTA
WHO IS SAID TO HAVE OPPOSED THE PROJECTED AMERICAN MARRIAGE OF THE DUKE

about 180 miles, where it was to set up its revictualing camp.

The exploration began. It was a long and laborious expedition across the immense and fertile territories of Uganda, which have been converted, in the space of a few years of missions, from the most abominable barbarism to an almost miraculous civilization. The caravan's way led through splendid equatorial forests, beautiful as fairyland, where flowers wonderful in variety, luxuriance, and coloring grew upon a carpet of mosses and many-hued ferns, giving out a perfume of acacias, mimosas, honeysuckles, and jasmines. The daily stage was from ten to twenty miles. The caravan was continually met by the neighboring tribes, who had journeyed forth to meet it, in order to offer it their good wishes and to overwhelm it with gifts. On May 29 it reached Fort-Portal, the last outpost of European civilization, which is situated,

as it were, at the gateway of the mysterious mountains, the attack upon which was immediately undertaken.

Gradually reducing the number of his porters as the caravan mounted from plateau to plateau, substituting for the Bajunda of the plains robust Bakondo, stanch and magnificent athletes, the Duke of the Abruzzi, by a difficult march, reached the valley of Mobuku, a regular lake of mud. This he set himself to ascend, in advance of his caravan, to Bujongolo, an eagle's eyrie perched at a level of 12,350 feet above the sea.

He arrived here on June 6, greatly in advance of the caravan. In order to outstrip it, he had made a forced march that displayed strikingly his physical endurance. The path that he followed was full of water and slime, and the Duke sank in it up to his knees; under the slough his feet encountered stones, bits of wood, became entangled in creepers, struck against rotten tree-trunks; in order to keep from falling and becoming mired in the uncertain and decomposed soil, he was forced to cling to the thorny underwood, and to advance by leaps from stone to stone. To crown all, it was raining — one of those formidable equatorial rains of such violence and force that it seemed as if the sky were emptying itself upon the earth; from the gigantic bamboos, heather, and ferns — from all the plants beneath which the Duke pressed forward, running rather than walking — there streamed a continuous, enormous shower-bath. Muddy, drenched from head to foot, the Duke never slackened his headlong, feverish march, and, sustaining by his example his more intrepid companions, he reached Kichuchu, where he decided to make a halt, and establish a camp for rest, under the shelter of a wall of rocks. While the porters were arriving, one by one, fatigued and worn out, the Duke, indefatigable, marvelous in his dash and energy, a genuine chief, prepared the halting-place, directed the installation, and himself aided in the work beneath a downpour which did not slacken.

The native porters, unaccustomed to harsh climates, were at the end of their strength, benumbed, shivering with cold, and had to be sent back. But on the morrow, almost at daybreak, the Duke gave the remainder of the caravan the signal for departure, and the forward march was resumed — a march as difficult, as exhausting as before. The way led over slopes so steep that all hands, the Duke, his companions, and the natives, had to proceed on all fours, like animals, clinging with hands and feet to the infrequent creepers and to the still more infrequent bushes, until, at last, they reached a plateau upon which opened a valley filled with a huge, strange, and impressive forest.

"It was a diabolical forest," says the Duke of the Abruzzi; "it had a flavor of dreams and nightmare; it seemed to be the work of some tremendous theatrical decorator who, for the exigencies of an extraordinary and luxurious stage-setting, had imagined a forest at once fantastic, magnificent, and ignoble. Over the ground, thickly strewn with the rot of centuries, ran a high forest heather. We advanced beneath terrifying trees, whose trunks and branches were covered with thick mosses, which hung down in long beards, imparting to the plants a strangely contorted aspect; they seemed to be swollen, laden with tumors, affected by a gigantic greenish, yellowish, reddish leprosy. There was not a leaf on the branches, and yet the air was dark because of the interlacing of dead tree-trunks overhead, entangled in the most inextricable fashion possible, covered with viscous, slippery, noxious mosses. I had never before and I have never since traversed so impressive a forest; I had the feeling that I was marching through one of those pre-historic forests which marked the evolutions of the earth, and which, composed of a primordial vegetation, died in one of those monstrous decompositions whence sprang the beds of coal."

Thus did the caravan pursue its toilsome march, and reach the bed of a torrent, the Mobuku, which flows beneath a dome of fantastic vegetation, and debouches, at last, upon another plateau.

"There," says the Duke, "an unexpected and ravishing spectacle awaited us — that of a valley covered with flowers that seemed to have come from some prodigiously rich hothouse, and to have been set out by delicate artists. We walked through a meadow glittering and perfumed with laurel trees, orchids, mulberry trees, on carpets of violets and forget-me-nots, amid buttercups and geraniums — an indescribable vegetation reaching as far as the eye could see. The ground, carpeted with a thick and elastic layer of club-mosses and other mosses, was studded with tufts of immortelles, of silvery, pink, and yellow flowers, *helycrisis*. Here and there rose the lofty stalks of lobelia, regular funeral torches, which alternated with the monstrous ramifications of the gigantic seneci. It was a sight so different from what we were accustomed to see, that we had not eyes enough wherewith to gaze and fix the picture in our memories."

At Bujongolo the camp was pitched, and the period of intrepid climbing began. Without counting reconnoitering expeditions and repetitions of the ascents for the purpose of duplicating experiments and comparing observa-

tions, the Duke of the Abruzzi, between the 10th of June and the 10th of July, scaled sixteen peaks, the lowest of which approached within six hundred and fifty feet that giant of the Alps, Mont Blanc. The following is a list of the ascents accomplished in thirty days by the Duke, sometimes without guides, and sometimes — most frequently — with the guides Petigax, Ollier, and Brocherel, his faithful and skilful companions of the rocks and the ice:

In Mount Baker, the peak Edward, 15,837 feet, which he ascended three times; the peak Semper, 15,694 feet; in Mount Stanley, the peak Margherita, 16,656 feet; the peak Alexandra, 16,591 feet, the two loftiest peaks of Ruwenzori; the peak Helena, 16,234 feet; the peak Louise of Savoy, 15,860 feet; the Victor Emmanuel, 15,938 feet; the Wollaston, 15,142 feet; in Mount Emin, the peak Humbert, 15,649 feet; the Moore, 15,125 feet; in Mount Gessi, the peak Yolanda, 15,499 feet; the Brottego, 15,337 feet; and the Stairs, 14,917 feet; in all, a total of 204,479 feet in height.

CAPTAIN CAGNI
WHO LED THE ABRUZZI EXPEDITION IN ITS DASH FOR THE NORTH POLE AFTER THE DUKE WAS DISABLED

It is not possible to narrate in detail all these ascents, in the course of which the Duke displayed all his inexhaustible resources of physical and moral vigor and enthusiasm, electrifying his little band, sustaining, firing the courage of his negro porters, who were terrified by the fear of the unknown, and shivering with cold and with fright at the marches which they were obliged to make up the slopes of the mountains above the abysses. Each day was marked by its own effort and its own exploit.

The most stirring was that on which, during a march of three days pushed with irresistible ardor, beneath rain, through storm and tempest, the Duke of the Abruzzi, who was accompanied by Petigax and Brocherel, set his conquering foot, at last, upon the highest peak of Ruwenzori.

The climb had been difficult, because of the vapors that rose from the depths of the valleys and totally obscured the atmosphere. Impatient for success, the Duke of the Abruzzi had cast all prudence to the winds. Petigax was marching at the head of the rope, chopping steps in the ice when the slope became too steep; the first of the twin peaks which surmount Ruwenzori was thus achieved at half past seven o'clock on the 18th of June. Opposite another reared itself, threatening difficult access. Two paths presented themselves: one was long and easy, but it involved their descending again to the valley and deferring the victory to another day; the other was short but perilous, running along the almost perpendicular wall of the glacier, and surmounted by a formidable cornice.

Silently the Duke listened to his guides, as they set forth the advantages and inconveniences of the two roads, and the dangers of the second. Then, without uttering a word, indicating his decision by a gesture only,— a decision which might end in his death in the solitudes of ice, where, ever since the earth had been revolving on its axis, no man had come, as yet,— he pointed to the shortest way:

"That one!"

The guides, without hesitation, immediately stripped themselves of their sacks and of every useless object; they would pick them up on their return, if possible; and the ascent began at once.

In the fog, Petigax led the way; the little band went straight to the wall of ice, without the

slightest hesitation, for the smallest error, the smallest deviation led, on the right hand and the left, to unfathomable abysses.

Petigax, the Duke, and Ollier advanced upon a slope so steep that they were vertically one above another. With great blows of his ax Petigax hewed footholds in the ice, hoisted himself from step to step, followed by the Duke, upon whom rained down the shower of ice-chunks. In this manner the alpine climbers reached the base of the overhanging cornice, which they must pass round in order to reach the sharp-pointed summit. Glued to the wall of ice, advancing slowly and surely upon a dizzy slope, they found, at last, a narrow indentation, six and a half feet in height, which permitted of their attacking the summit.

Slowly Petigax chopped in the ice a broad shelf, upon which the Duke first, and after him Ollier, rested themselves before the final climb.

Then Ollier made a buttress of himself, took on his robust shoulders his comrade Petigax, who, planting his ax in the ice, used it as a crampon with which he hoisted himself upon the conquered ridge. Victory!

"We had emerged from the fog," says the Duke of the Abruzzi. "Round about us everything was resplendent with light; beneath our feet was outstretched an extraordinary sea of clouds, above which, driven by the wind, ran light little spirals of an ashy white; opposite us, all sparkling, myriads of crystals flamed dazzlingly. The spectacle was one of sublime grandeur."

Then, drawing from his bag the Italian flag, with its three vivid colors, which bore, embroidered upon it, the motto, "Dare and Hope," which Queen Margherita of Savoy had solemnly and with emotion given to him at his departure, the Duke triumphantly unfolded it, and planted it on the proud summit of conquered Ruwenzori. And, in order that history might remember the two countries which had aided in penetrating the mysteries of the mountain where the sources of the Nile are born, he associated them with the victory which he had just won by giving to the two highest peaks of Ruwenzori the names of the Queens of England and Italy; one, the most lofty (16,660 feet), was baptized Margherita; the other (16,590 feet) was named Alexandra.

Indefatigable, indifferent to rain, to storm, to snow, to cold, passing dark hours in the midst of electrical tempests, the Duke made haste with his task, took minute bearings of this part of the mountain, descended into the valley of the Mobuku, and attacked the mountains of the valley of the Bujuku. Here he climbed all the peaks, among them that called Humbert (15,650 feet), and in the course of a few weeks of incredible activity, with a dash that astonished his comrades and seemed to disarm hostile Nature, he finished the exploration of Ruwenzori, having realized, in the most complete and admirable manner, the wish of Stanley.

Those thirty days had been passed by the Duke at an altitude of 13,000 feet, with a light and summery camp equipment, sleeping with two other men in one small alpine tent, on the ground, in a bag, or rolled up in a blanket, his clothing almost always drenched with rain or snow, exposed to cold and wind, amid the thousand difficulties which await those who love the mountains and love them for their constant savagery. On July 16, having terminated his African climbs with that of Yolanda peak in the Gessi Mountains, the Duke, after a last and a long look at that panorama of the mass spread out at his feet, and which he was quitting regretfully, gave the signal for the return, carrying back from his expedition the most precious geographical and botanical documents.

Five months later, at a solemn session of the Italian Geographical Society, he made a report of the mission which he had voluntarily undertaken.

IV

The most recent of the Duke's exploits, the supreme jewel of his heroic career, is the extraordinary exploration which he conducted last year, across the soltitudes of the Himalayas, for the purpose of attempting the ascent of their loftiest peaks, among them that giant which hides its head in clouds almost eternal, at a height of 28,000 feet above the level of the sea.

It was on March 26, 1909, that the Duke of the Abruzzi set out from Marseilles, taking with him the Marchese di Negrotto Cabliazzo, three artillery officers, Dr. di Philippi and his wife, and the guides who had accompanied him on his former expeditions—Petigax, Brocherel, and Ollier.

The case of the Marchese di Negrotto was decidedly unusual. He had never made an ascent, and therefore, when the Duke proposed that he should accompany him, he hesitated for a moment, torn between the desire to take part in that expedition and the fear of being an embarrassment, through his lack of experience. But the Duke, who was well acquainted with his aide-de-camp, insisted, and succeeded in persuading him. He had no cause to regret it.

In accordance with his custom, during the two months which preceded his departure, the

Duke devoted himself entirely to the preparations. He procured all the necessary instruments, and the numerous and perfected stores. He made two trips to England, for the purpose of procuring his equipment and tents—the three classic models of tents: the "Equatorial," the largest and most convenient but difficult to transport; the "Whymper," which can shelter as many as three persons; and the "Mummery," the smallest type, which is very low, and is suitable for one person only. He also carried sixty cases of provisions, each containing all that was required for twelve persons for one day, from tobacco to marmalade. He carried also sleeping-sacks, which were composed of three layers, the inner one of goat's skin, the next of down, and the outer one of camel's hair.

On April 9 the *Oceana* reached Bombay, and that same day, going straight to the goal which he had set for himself, the Duke took the railway for Rawilpindi, where he arrived on the 9th. On the 13th, all his stores loaded upon strange two-wheeled native vehicles, harnessed to "ekka" ponies, were forwarded to Schrinagar. The expedition had set out ahead, in landaus, the local authorities having thought that the "donga" carriages of the country were not sufficiently luxurious for a prince. This was not a happy inspiration, and the Duke came near being obliged to pursue his journey on foot. The ancient landaus which had been brought forth in his honor broke down at the first shock. It was necessary to repair them, and it was only by dint of infinite precautions that the Duke and his suite were able to reach Schrinagar.

On April 24 Sir Francis Younghusband and his wife, as well as Madame Philippi, quitted the caravan, whose real expedition was about to begin. The caravan set out on the march, mounted, in part, upon ponies; then the horses were abandoned and replaced by porters from Cashmere, finally numbering two hundred and fifty persons.

The passage of the rivers was generally made on primitive bridges, consisting of a thick rope stretched from one bank to the other, and of two cords stretched a yard above it, forming balustrades. In order to cross, it was necessary to walk on one of the ropes, holding on with one's hands to the side-ropes.

The first time one crosses on these strange rapezes, which oscillate at every step while the water flows dizzily beneath, the impression is decidedly terrifying. "It seemed," said the Marchese di Negrotto, "as if the water were motionless, and the traveler were flying above it, borne on a whirlwind, in an impetuous and fantastic flight."

The revictualing camp was established at Rkdasso, on a spur which extends upon the glacier, at an altitude of 13,000 feet. On May 21, the Duke and his companions, leaving Rkdasso, began an uninterrupted march, in which they halted by day only for their meals, by night only for sleep. They proceeded thus for four days in the imposing solitude of the glacier, leaping across all the crevasses which intersected their road, and reaching, on May 25th, the immense mass of K2.

Here began the most perilous enterprise which the Duke had set himself. Day broke on May 26 in a dense vapor of fog, which floated about the great mountain-tops, upon the snows which no human foot had ever trod. The thermometer then indicated 10° below zero. From time to time the mists parted, allowing the party to catch a glimpse of monstrous rocky cliffs covered with eternal glaciers, which seemed to stretch out into the infinite. They were at an altitude of more than 16,900 feet. The little detachment, lost in this aërial immensity, gazed in silence toward the summit of the mountain which the fog persisted in concealing. After several hours of waiting, the atmosphere cleared, and K2 appeared in all its majesty, like an enormous Cervin. Almost immediately the Duke recognized the impossibility of conquering the gigantic needle, whose rocky flanks appeared favorable to avalanches and its slopes to the most formidable landslides.

He decided, however, to go on and attempt the ascent. The expedition separated, to explore the neighborhood and see whether it would not be possible to find, on some side of the mountain, a point at which they could attack it.

The Duke, with two guides, set out, leaving his companions in camp. His reconnoissance lasted four days, during which the Duke made the ascent of a peak 21,125 feet high, near K2, and visited the glacier to the west, a glacier still unexplored, and that to the east, where Guillermodd had already been; but he was forced to recognize the fact that the mountain presented itself as inaccessible on all sides. He returned to the camp, where, during the entire month of June, the expedition devoted itself to the topographical and photographic mapping of the whole region.

Having been obliged to abandon the ascent of K2, the Duke directed his steps to Shogolisa or Bridepeak, which he wished to try to climb.

The weather was very variable, fine weather alternating with dense fogs, and the road was excessively fatiguing. Moreover, the altitude at which the expedition had been living for two days was beginning to make its depressing effects felt, and an effort which elsewhere would

have been normal became impossible at these heights. Several members of the party began to lose their appetite, to feel disgust for the preserved meat; their sleep became heavy and troubled; the Duke alone preserved all his forces intact, ate with excellent appetite, and slept soundly.

On arriving at the foot of Shogolisa, while Dr. di Philippi and Lieutenant Negrotto remained at the glacier in order to make botanical researches and take photographs in the neighborhood, the Duke with six guides began the ascent of the peak, and at the first jump transported his camp to an altitude of 21,450 feet.

The weather, which was still overcast, compelled him to halt for several days, but as soon as the mist dispersed, he resumed the ascent in two stages, carrying his camp on 1,625 feet higher,— that is to say, to an altitude of 23,075 feet. The guides, who had followed him thus far, and had been able to carry provisions for four persons only, returned to the lower camp; the Duke remained at a height of 23,075 feet for a day and a night, and at daybreak on the morrow,— that is, on July 17,— he set off again toward the summit for his last effort, having with him Petigax and the two Brocherels.

It was eleven o'clock in the morning, and the small and valiant band had ascended 1,300 feet, when the fog, which had been growing more and more dense, stopped their march. The four men, who appeared to be directing their path toward heaven, and who might be hurled into the unfathomable abyss at any moment by a gust of wind or the crashing down of an avalanche, came to a halt and waited patiently. It was then three o'clock in the afternoon. For three hours they waited, motionless, lost in the mist, on the dizzy slopes of the unknown colossus. Silent, barely able to make out each other's figures, they hoped for clearing weather. They no longer saw anything, either heaven or earth.

The fog grew more and more dense. The three children of the mountain gazed at the Duke, who was grave and silent. With his sight he tried to pierce the thick mist, to catch a glimpse of that peak which he felt to be so close, and which was hiding itself. Vain hopes! It was impossible to go on, they could see nothing, the whole mountain seemed to vanish in a grayish uniformity, the cold was intense. The Duke was forced to yield to the invincible hostility of Nature.

Very tranquilly, in his calm voice, renouncing all his hopes, the Duke said simply: "Let us descend."

And in a single march they performed the return journey, a great sorrow in their hearts. They were four marches distant from the camp installed at the foot of the Bridepeak, where their companions were encamped and waiting for them.

"Well, Your Highness?" they asked him anxiously.

"Barometer 308," he replied, which was the approximate equivalent of 24,375 feet.

Luigi Amedeo of Savoy had beaten the world's record of mountain-climbing.

The expedition started back, without delay, on its return. On August 13th it was at Schrinagar, having taken a different route from Askole from the one they had taken in going, and traversed at an altitude of 17,550 feet the Skoro, where the explorers suddenly beheld, after so much snow, so many precipitous cliffs, a valley all in flower, which seemed the abode of eternal spring.

It was like a return to life. Profound emotion took possession of all at the sight of that splendid paradise. It was not only the botanist, Dr. Philippi, who bent down to pluck those flowers and grasses, but the entire detachment, who, when they resumed their road to Skardo, bore in their arms and in their buttonholes bouquets of forget-me-nots, gentians, and little wild pinks.

The whole expedition found themselves reunited at Bombay on August 26. They embarked for Europe on the 28th on board the *Oceana*, bringing back from their journey a rich and abundant harvest of scientific information about an almost unknown region, comprising within its limits Little Tibet, Cashmere, Baltistan, and the Karakoram.

In 1896 the Duke of the Abruzzi had already been dreaming of attempting the ascent of Nangat Perbat, a summit 26,375 feet in height, situated 125 miles from K2. The Indian plague led him to give up this daring project. So he took it up again thirteen years later, or thereabouts. He has beaten the magnificent records of Dr. Longtag, who in 1905 attained an altitude of 24,297 feet on the Trisul, and of Dr. Graham, who climbed the Kabri to the height of 23,852 feet.

But if one were to think that he is satisfied, one would prove that he was ill acquainted with the Duke. The Mountain has defied him, and Luigi Amedeo of Savoy must already be dreaming of making a fresh and final assault upon it, faithful to his motto, "Dare and Hope."

[THE FOREGOING ARTICLE WAS SUBSTITUTED FOR THE ARTICLE ON THE CZAR OF RUSSIA, BY M. XAVIER PAOLI, WHICH WILL APPEAR IN THE MAY NUMBER]

THE PURPLE STOCKINGS

BY

EDWARD SALISBURY FIELD

ILLUSTRATIONS BY FREDERIC DORR STEELE

MR. WILLIAM BETTS was pretending to study the articles displayed behind one of the huge plate-glass windows of Parker and Munn's Department Store on Twenty-third Street. It was only pretense, for, suddenly realizing the nature of the display, Mr. Betts blushed and moved hastily to another window, and so to the main entrance of the store, where he stood for some time, irresolute and ill at ease, hoping vainly that among the many feminine patrons entering and leaving Parker and Munn's he might spy an acquaintance, preferably some woman of discreet years and ready good nature. Convinced at last that he must rely on himself in the matter that had brought him to this singularly alarming neighborhood, he squared his shoulders, and, setting his hat more firmly on his head, marched past the door-man, to find himself in a strange and forbidding city whose narrow, aisle-like streets were thronged with women. There was, however, one man in sight, a hatless, pleasing person in a frock-coat, who waved a graceful hand now and then. Toward him Mr. Betts made his way.

"Something you wished, sir?" asked the man.

"I'm looking for —" Mr. Betts began. "I'm looking for ——"

"Yes?"

"For stockings," said Mr. Betts hoarsely.

"Ladies' or gents'?"

"Er — ladies'."

"Ladies' hosiery department, third aisle to your left."

"He needn't have said it so loud," thought Mr. Betts, conscious of the amused glances of several women who happened to be standing near. "Third aisle to the left; this must be it."

It was a very long aisle, and the shelves behind the counters on either side seemed to contain everything in the world except stockings: silks, laces, gloves, and — and — ah, there it was! But, hang it all, half the women in New York were buying stockings! It was uncommonly thoughtless of Rosalie to burden him with so awkward an errand.

Deciding to wait for a lull in the stocking trade, Mr. Betts continued down the aisle, pausing at last before a harmless-looking counter that displayed an endless variety of articles — combs, buttons, hooks and eyes, needles, pins. This wasn't so bad; here one could keep an eye on the hosiery department, and at the same time grow accustomed to one's surroundings. Then, too, the young woman behind the counter looked rather friendly. Seating himself on a little plush-covered stool, Mr. Betts replied gravely, in answer to the young woman's question as to how she could serve him, that he would like to look at some pins.

"Any particular kind of pins?"

"No," said Mr. Betts; "just pins."

It proved remarkably easy to buy pins. Who would have imagined that one could get such an alarming lot of them for four cents?

Mr. Betts arose so as to obtain a better view of the stocking counter. There were fewer women there than when he had passed it, he thought. Perhaps, in a few minutes — In the meantime, he would make another purchase; he would buy ——

"I think," he said, "I'd like to buy some thread."

"White thread?"

"Yes, please."

"What number?"

"Er — what number would you recommend?"

"That would depend on what you want it for."

"Oh!" said Mr. Betts.

"I can show you a few of the different numbers, if you like."

"You're very kind," said Mr. Betts, "but I really don't need the thread to-day. Some other time, perhaps. If you'd be so good as to let me have another paper of pins."

By the time the second paper of pins was paid for, and safe in his pocket, Mr. Betts had acquired some confidence not only in himself but in his surroundings, and, noting that the stocking counter was now quite deserted, he bade the young woman who had done so much toward establishing this confidence a courteous "good afternoon," and started for the hosiery department. Once there, he seated himself securely on one of the little stools, and, summoning up all the dignity at his command, informed the young woman who leaned forward to learn his pleasure that he desired to look at purple stockings.

"Silk, cotton, or lisle?" asked the young woman, a buxom creature with an amazing head of yellow hair.

"Silk. And — oh, yes! — purple. Like this," he continued, extracting a bit of purple ribbon from his card-case. "They're for my sister, you know. She sent me this sample, and ——"

Mr. Betts stopped abruptly. "There is really no reason why I should tell her the story of my life," he thought. "And, if I did, she probably wouldn't believe it," he concluded, remembering the half smile with which his statement had been met.

"Did she — your sister — tell you what number she wears?"

"She *wrote* me," replied Mr. Betts, hoping to convey by emphasis of the word "wrote" that nothing less than written entreaty would have caused him to undertake such an unusual errand — "she wrote me to get nines."

Having indulged in this subtlety of explanation, Mr. Betts watched the young woman as she studied the labels on a score or more of boxes. He felt almost at ease; he had met the enemy, and the stockings were practically his.

"I forgot to ask you," said the young woman, placing several boxes on the counter, "whether you wanted domestic or imported hose."

"So you did," said Mr. Betts.

"Well?"

"The imported, I believe."

"They're more expensive."

"Then I'm sure I want the imported. You see, my sister is very — I'll take the imported, please."

"I think these will answer," said the young woman. "Just feel the quality."

Mr. Betts advanced a timid finger. "Admirable," he said. "But do they match?"

"See for yourself," answered the young woman, handing him the stockings and the bit of purple ribbon.

Concluding that he owed it to his sister — and to his dignity — not to refuse, Mr. Betts accepted the stockings, and, turning on his stool, held them up to the light to compare them with the ribbon. As he did so, he became aware of a presence in the aisle, and, glancing up, looked straight into the smiling eyes of Miss Sylvia Andrews. And then, since he had not beheld

"IT WAS REALLY TOO EMBARRASSING!"

those eyes for a whole month, and since he knew them to be the most beautiful eyes in the world, he forgot everything but his delight at seeing them once more. Rising hastily, he removed his hat, only to become conscious that the hand he would fain extend in greeting contained a pair of purple silk stockings. It was really too embarrassing! It was cruel, as well; for, instead of stopping to speak to him, Miss Andrews merely favored him with a charming bow and continued on her way. With the stockings still in his hand, Mr. Betts stared after her disconsolately until a series of affected coughs reminded him that the young woman in charge of the hosiery department was awaiting his pleasure.

Turning, he deposited the stockings on the counter. "These will do nicely," he said.

When Mr. Betts left Parker and Munn's, it was with a neatly wrapped cardboard box in his hand. He hadn't cared to have it sent, as that would have involved giving his name, and for some reason he did not feel inclined to disclose his identity to the head of Parker and Munn's hosiery department; nor did he like to carry a parcel through the streets. It was most natural, then, that he should remember another errand; in a neighboring shop he ordered carbon paper and a dozen typewriter ribbons, to be sent to his stenographer the first thing in the morning. "And you might include this in the package, if you don't mind," he said.

Nothing remained now of Rosalie's commission but for his stenographer to make the stockings into a suitable parcel to be sent by post; and he would see that this was done as soon as he reached the office in the morning. In the meantime, it was very good to know that Miss Andrews was in town. No doubt her aunt, Mrs. Covington, was with her. When one came to town in September, it was usually only for a day or two, and then one seldom stopped at one's house. Still, there was no harm in trying. He would ring up the Covington house after dinner. But when, after dinner, he attempted to telephone, Central, alas! uttered the sad words, "The party don't answer."

Miss Sylvia Andrews had been greatly surprised — and amused — by her encounter with Mr. Betts in Parker and Munn's; she had been not a little curious, as well. Why in the world should he be buying purple silk stockings? And for whom? Not that it was any affair of hers. Still, since Mr. Betts had, on previous occasions, shown a preference, a very decided preference, for her company, and since his sister Rosalie was one of her best friends, it was only natural that she should feel a certain interest in him. And when a young man in whom one was faintly interested made puzzling purchases, did not one owe it to him to allow him to explain? Obviously, one did.

Having arrived at this conclusion, Miss Andrews suggested to her aunt, Mrs. Covington,—

"'THOSE—ER—STOCKINGS WERE FOR ROSALIE,' HE EXPLAINED"

suggested so artfully that no one could have convinced Mrs. Covington that she herself had not evolved the idea,— that the legal paper to be signed on the morrow might be signed most conveniently at the law offices of Mr. William Betts.

William Betts, attorney and counselor-at-law, was a very different person from William Betts, purchaser of silk stockings. Indeed, in this former capacity he was looked upon as an exceedingly promising young man. Grave judges delighted in his respectful manner and address, and older and more influential lawyers, noting his strict observance of all those unwritten rules upon which the honor and integrity of their profession rested, were inclined to favor him in a number of ways, so that, in spite of his youth (he was only twenty-eight), he could be said to have covered no little distance on the road to success.

The following morning, this tortuous and sometimes tiresome road led him by a most indirect route to his offices on the third floor of the Granite Building, lower Broadway, where he arrived a little after eleven. Bidding his stenographer, Miss Miller, a grave "good morning," he entered his private office, deposited his hat, stick, and gloves in a closet, unlocked his desk, and, sitting down, unfolded the *Daily Law Journal and Court Calendar*. Finding nothing of particular interest in its pages, he turned to the small pile of letters that lay at his elbow. These, too, proved uninteresting, but, nevertheless, several of them must be answered. He would, he decided, dictate the answers at once; he was on the point of ringing for Miss Miller, when she entered from the outer office.

"A Mrs. Covington and a young lady to see you," she said. "Will you see them?"

In scarcely less time than it would have taken him to answer Miss Miller's question, Mr. Betts was out of his chair, through the door, and assuring Mrs. Covington — while looking at her niece — that he appreciated fully the inestimable honor of her presence. And would she and Miss Andrews please come into his private office? Once there, he found them chairs, insisted that he wasn't busy, that all his time was at their disposal, and, further, found opportunity, while Mrs. Covington extracted a serious-looking legal document from her bag, to inform Miss Andrews of his attempt at telephoning the evening before, and to confess his desolation at not having had a word with her in Parker and Munn's.

"I think you might have stopped a moment," he said.

"But you were so very busy."

Mr. Betts blushed. "Those — er — stockings were for Rosalie," he explained. "She has

some sort of a purple gown, and her maid forgot to pack the stockings that went with it. So she wrote me to get a pair — wrote me four days ago. Are you stopping another night in town? And may I call this evening?"

"Yes," said Miss Andrews; "we shall be at the Holland House until day after to-morrow, and I should love to have you call this evening. Of course, I knew the stockings must be for Rosalie," she added, "and I think you were very good-natured to buy them for her."

"It was rather a bore; I put off getting them as long as I dared. But I'm glad I bought them; otherwise I shouldn't have known you were in town."

Having delivered himself of this graceful and sincere speech, Mr. Betts, assuming a more businesslike manner, accepted the document Mrs. Covington now extended, and inspected it carefully.

"Ah," he said, "a deed to property on West Eighty-third Street. You wish to sign it, no doubt."

"Yes, that's it."

"There's a notary on the next floor; I'll send my stenographer for him."

"If you would be so kind."

Had Mr. Betts, at this moment, stepped to the door and sent his stenographer for the notary, instead of ringing for her, it is probable that this story would never have been written. But it seemed so much more professional and important to ring. It wasn't every young lawyer who could afford a stenographer, who had offices, and bells to ring. So Mr. Betts touched the button beside his desk, and when Miss Miller entered, he ignored her presence long enough for Miss Andrews to notice that she was rather pretty, and that — good gracious! — she was wearing (one could see them plainly, for her skirt was quite short) — she was wearing purple silk stockings! And, since there is a luster peculiar to silk stockings that have never known the contact of soap and water, it was clear — oh, most horribly clear — that the stockings Miss Miller wore were NEW!

Of course, it might prove a mere coincidence; but it wasn't likely. Miss Andrews determined, then and there, to learn the truth. Being a resourceful young lady, she set her wits to work to such good purpose that by the time Miss Miller appeared with the notary she had planned exactly what to do. Leaving her aunt, Mr. Betts, and the notary, she followed Miss Miller into the outer office, closing the door behind her.

"It was rather stuffy in there," she said, by way of explanation. "May I sit down here?"

Miss Miller assented readily. "Of course you can," she replied. "It's pretty hot everywhere to-day, I guess."

"You don't look as if you felt the heat at all; but then, you are so much more sensibly dressed

"'WELL, YOU SEE, I DIDN'T EXACTLY BUY THEM; THEY WERE A PRESENT'"

than I. I think I'll go over by the window. Yes; it is much cooler here. Do you suppose it will take long to sign that tiresome paper?"

"It oughtn't to."

From her place at the window, Miss Andrews looked thoughtfully down on Broadway. "There seem to be a great many women out this morning," she announced. "They are evidently shopping, though I never heard of any one shopping so far downtown. Are there some good shops in the neighborhood?"

"Wannaker's is the nearest, and it's some ways from here. But it don't take long to get there on the subway."

"Then I believe I'll try Wannaker's; I've been to nearly every other shop in town, and — why, do you know, the stockings you are wearing seem to be the exact shade for which I have been hunting high and low!"

"I saw you looking at them when I was in the other room," said Miss Miller.

"Yes," Miss Andrews admitted; "I did notice them in there, and I was sure they weren't the right shade. But as I see them here in this light, they look so different. I adore stockings of that shade, don't you? With ties such as you wear, they are so attractive. I would be extremely grateful if you would tell me where you bought them."

"Well, you see, I didn't exactly buy them; they were a present."

"Then, of course, you don't know what shop they came from. How very disappointing!"

"I only got them this morning," Miss Miller continued, regarding her trim ankles with an air of pardonable pride; "and what's eating me is how the party that gave them to me knew my size. But I do know where they came from — Parker and Munn's."

"Parker and Munn's! It's odd I hadn't thought of going there. I am greatly obliged for the information you have given me; it was very — er — good-natured of you."

"Don't mention," said Miss Miller. "Parker and Munn's is the place, you can take it from me; their name was on the box."

Miss Andrews, having learned what she had set out to learn, wandered once more to the window, for the air in the room had become curiously stifling. How she hated — yes, *hated* — that complacent little cat of a stenographer, and her absurd silk stockings! As for Mr. William Betts, the least said or thought of him, the better. What an unconscionable time it was taking to sign that miserable paper! Would she never be able to leave this detestable room? Ah, here was Aunt Katherine now!

After conducting Mrs. Covington and her niece to the elevator, Mr. Betts returned to his private office in a sadly puzzled frame of mind, for, in the hall, Miss Andrews — Sylvia — had informed him that she would not be at home that evening. She had given no reason; moreover, her manner had been extremely frigid. What in the world did it mean? Had he offended her in any way? He didn't see how he could possibly have offended her, unless it was in not following her when she went into the next room. Yet, certainly, it would have been rude to follow her — rude to her as well as to Mrs. Covington; so it must have been something else. And yet, what else could it be?

Unable to answer this perplexing question, Mr. Betts sighed mournfully; then, remembering the letters on his desk, rang for Miss Miller. He would answer his letters, and — by Jove! he had nearly forgotten Rosalie's stockings! They must be got ready and despatched at once.

"Before I begin dictating," Mr. Betts began, "I wish to speak to you about the package I sent with the carbon paper and typewriter ribbons."

"If you only knew how I loved it!"

"Er — what?"

"You haven't even noticed," said Miss Miller, rising and holding back her skirts — "you haven't even noticed I've got them on."

"Got them on!" exclamied Mr. Betts, staring with amazement at the neat pair of ankles Miss Miller had uncovered for his inspection. "Oh, I say!"

"Did you think I'd wait till this evening to put them on?" Miss Miller demanded.

"I didn't think you'd put them on at all," Mr. Betts replied truthfully. "That is ——"

"And no more I would if any one but you had given them to me," declared Miss Miller. "I know what presents mean from most men; they mean ——"

"Er — let's not go into that," said Mr. Betts. "As a matter of fact, I ——"

"What's got me, though, is how you knew it was my birthday."

"I didn't ——" Being a kind-hearted young man, Mr. Betts stopped short. Miss Miller evidently thought he had given her a birthday present, and it would be cruel to tell her otherwise, especially since she was wearing the stockings. "I didn't know you would be so pleased," he finished lamely.

"I was so pleased I could have cried," Miss Miller confided. "Why, even my own mother didn't remember to-day was my birthday! And then, to have you act so thoughtful! Honest, it nearly ——"

"I hope it isn't going to now," said the alarmed Mr. Betts.

"'I HARDLY THINK I'LL BE BACK THIS AFTERNOON'"

"No; I ain't the crying kind. Only, when a thing hits me, it hits me hard."

"Er — quite so," said Mr. Betts. "I — ah — certainly!"

"And I don't care what Rudolph says."

"Rudolph?"

"He's my fiancy. He's sure to ask me where I got them."

"I — will you tell him?"

"I don't see why I should."

"Neither do I," said Mr. Betts.

"And I don't see why I shouldn't. Only, he's sure not to understand."

"Isn't that sufficient reason?" inquired the troubled Mr. Betts.

"He'll notice them first thing, and ask me where I got them. Everybody notices them. Why, even the young lady that was here with that oldish party this morning couldn't keep her eyes off them."

So that was the reason for Sylvia's coolness toward him. She had noticed his stenographer's purple stockings, and had — It was too dreadful!

Mr. Betts rose hastily. "I've just thought of an important matter that will take me uptown," he said. "I sha'n't be back before lunch. And I intended — that is, I want you to take the afternoon off, Miss Miller."

"No," said Miss Miller firmly: "you've been kind enough to me for one day. Here I am, and here I'll stay."

"But I really wish you to take the afternoon off."

"Well, I just won't. So there!"

Mr. Betts sighed. "If she won't, I'll have to," he decided dismally. "I've no end of things to attend to, but I'm hanged if I can stand being in the office with her around!"

"I hardly think I'll be back this afternoon myself," he said, securing his hat, stick, and gloves. "Er — that is all, I believe."

"Ain't men queer?" thought Miss Miller, as Mr. Betts disappeared through the door of his private office. "When Rudolph gives me a present, he keeps reminding me of it every time I see him; and here's Mr. Betts running off just because I thanked him. I wish Rudolph was more like him. But he ain't, so that settles it."

An answering laugh to the grave question, "Why is a mouse when it spins?" is supposed by many to denote a lively sense of humor. Perhaps it does. But there is a truer test: the ability to laugh at one's own misfortunes when they assume absurd proportions.

There is no denying that Mr. Betts was beset by misfortune, nor can it be said that the element of absurdity was lacking; yet he did not laugh — far from it. Indeed, as he walked slowly up

Broadway after descending from his office, he was a very depressed and forlorn young man. He was, too, a deeply injured young man; for had not Sylvia misjudged him sadly?

"She ought to know me better than that," he thought. "As if I were the sort to buy silk stockings for stenographers! Why, hang it all, she should be ashamed to believe me capable of such a thing! And the deuce of it is, she probably wouldn't listen if I tried to explain!"

"MR. BETTS STARED HOPELESSLY INTO SPACE"

Not that Mr. Betts cared to explain. In the first place, he was distinctly on his dignity in the matter; and in the second place, the situation was rather complicated, for, after all, he *had* given Miss Miller the stockings. Confound it, yes! Wasn't that the reason he was walking aimlessly up Broadway at this hour? A chap couldn't very well stay in the same office with a stenographer to whom he had just given a pair of silk stockings. Mr. Betts began to doubt whether he would ever have the courage to enter his office again.

And in a day or two, if he knew Rosalie, she'd begin telegraphing about the dashed stockings he hadn't sent her, and that would be the last straw. It shouldn't be! He would take a surface car to Twenty-third Street, and get Rosalie's commission, already five days old, off his mind, if he never did another thing as long as he lived.

When Mr. Betts entered Parker and Munn's Department Store for the second time in his career, it was with far more of indignation than embarrassment. He didn't give a continental who saw him there. If Miss Sylvia Andrews happened to be in sight when he passed the corset counter, he'd stop and buy a pair, by George! She would probably believe he was buying them for his stenographer. Very well; let her think so. When people were bent on misconstruing one's actions, it was just as well to give them something definite to misconstrue.

It need hardly be said that Miss Andrews was not in sight when Mr. Betts passed the corset counter. As a matter of truth, she was, at that exact moment, indulging in a good cry in her room at the Holland House. But, of course, Mr. Betts could not know this. Nor could Miss Andrews have imagined anything so improbable as that Mr. Betts, whom she had cast out of her life — and heart (she knew, now, that he had held a place, oh, quite a large place! in her heart), should be approaching Parker and Munn's Hosiery Department in quest of more purple silk stockings.

One would have thought, considering the experience gained the day before, that he would have met with little difficulty; but the young woman from whom the fateful stockings of yesterday had been purchased was nowhere in sight, so Mr. Betts was forced to deal with a complete stranger. Then, too, he had lost, or mislaid, the bit of ribbon that Rosalie had sent him. And there were, it seemed, more shades of purple than there were stars in the heavens.

"I don't think they were quite such a deep purple," said Mr. Betts, rejecting the fifth pair of stockings that had been offered for his inspection.

"Are you sure you'd know the shade if you saw it?"

"N-no. That is, I'm fairly sure — as sure as one can be when one isn't absolutely sure."

Whereupon the saleswoman sighed, and opened more boxes, till Mr. Betts saw a pair he thought would do.

"They look exactly like the ones I got here yesterday," he said. "Yes, I'm positive they are. Will you have them wrapped suitably for sending through the post? And where is the nearest place from which one can send a parcel, please?"

The nearest place, owing to Parker and Munn enterprise, proved to be but four aisles distant, where, a few minutes later, an obliging clerk received and registered a neat parcel addressed to

"Miss Rosalie Betts, care of Mrs. Archibald Winthrop, Lake Placid, Essex County, N. Y." This accomplished, Mr. Betts decided, since he was already so far uptown, he might as well go still farther, lunch at his club, and plan for the afternoon. He really ought to return to his office, but, of course, Miss Miller's presence there made that impossible. Besides, he had other things to think of.

Mr. Betts thought of these "other things" all through lunch; then, retiring to the library, thought of them some more. In life, as well as in the law, intentions counted for but little, it seemed; the mere fact that Miss Miller was now wearing the stockings he had purchased the day before outweighed — in Sylvia's eyes, at least — the full sum of the intentions he had held regarding them. Moreover, his word had proved valueless when arrayed against this one damning fact. Had he not told Sylvia the stockings she had seen him purchasing were for Rosalie? He had. To Mr. Betts, the darkest side of the whole affair lay in Sylvia's only too evident belief that he had lied to her. He couldn't bear to have her believe he had lied to her; she had no right to believe it, for he hadn't lied to her. No, by George; he had told the truth!

It was idiotic, certainly, to have included the stockings in the package with the typewriter ribbons and the carbon paper; it was still more idiotic to have ordered the package sent to his office in Miss Miller's name. But how was he to know she would open the box containing the stockings, or that she would imagine he had planned them for a birthday surprise? How the deuce was he to know it was her birthday, anyway?

When Rosalie returned to town in October, he would tell her the whole story, and, since girls were so much more clever than men, perhaps she would see a way to make all right between him and Sylvia — if such a thing were possible. Mr. Betts doubted whether his feeling for Sylvia could ever be quite the same again. He wasn't sure he wished it to be. A girl who refused to credit a man's word was hardly the sort one cared to marry. He loved her, of course. Who could help it? But wasn't it Dr. Holmes who had said, "That two people love each other is only one reason why they should marry"? Not that he was at all sure Sylvia cared for him. Still, he had hoped. And now — Exiled from his office, estranged from the girl he loved, cast into the depths of despair and unhappiness,— and all by a pair of purple silk stockings,— Mr. Betts stared hopelessly into space, a deeply injured young man.

Had he but known it, Miss Andrews, too, felt deeply injured. She was also exceedingly angry — and disillusioned. She would never believe in any one again, not if they came to her on bended knees! She would probably die an old maid, but what did it matter? What did anything matter in a world where men bought purple silk stockings for their stenographers — and then lied about it?

"SHE WOULD PROBABLY DIE AN OLD MAID"

Next morning, Mr. Betts, very self-conscious and ill at ease, returned to his office. What he would like to have done was to discharge Miss Miller on the spot. Since this was plainly out of the question, he surrounded himself by a wall of dignity so high that Miss Miller couldn't possibly see over it. But she could see through it.

"He's afraid I'll say something more about those stockings," she thought. "Well, he needn't worry; I guess I know my place."

As the morning wore on, Mr. Betts gained confidence. He was pleased to note, when at last he found courage for a surreptitious glance in their direction, that Miss Miller's ankles were no longer encased in purple silk; moreover, her manner toward him was most respectful. He had imagined — But that was nonsense. Miss

Miller was a thoroughly honest, reliable young woman, and any idea he had held concerning the disastrous effect the stockings might have on her manner was absurd. So Mr. Betts dictated letters, consulted grave-looking volumes bound in sheepskin, and attended to other matters, just as if nothing had happened; yet, when he left his office at lunch-time, he felt no satisfaction in the thought of work well accomplished. Life seemed very empty indeed.

Returning from lunch, it occurred to Mr. Betts that it would be greatly to his advantage to learn exactly what had passed between Sylvia and Miss Miller in his outer office the morning before. Had Sylvia asked questions? And, if so, had Miss Miller answered them? It wasn't likely that Sylvia would question her. Yet, why follow his stenographer into the outer office?

"She must have cared for me the least little bit, or she wouldn't have behaved so queerly," Mr. Betts decided. "By Jove, I wonder if I dare cross-examine Miss Miller!"

After giving the matter due thought, Mr. Betts was inclined to believe that he dared. But lately he had read a book entitled "The Art of Cross-Examination," in which various brilliant examples of this difficult art had been cited. Several of these examples seemed hopelessly puerile to Mr. Betts, who felt that he could have done far better himself. If he could question Miss Miller without her suspecting she was being questioned, it would not only be a triumph in itself, but would tend to set his mind at rest concerning how much Sylvia knew. Yes, that was what troubled him most: how much *did* Sylvia know?

If she acted toward him as she did just because she happened to notice that his stenographer wore purple silk stockings, then his feeling of deep injury was entirely justified. On the other hand, if Miss Miller told her the stockings were a gift from him, then Sylvia had a perfect right to treat him coolly. In the one case he could perhaps forgive, in the other he could explain; he would, too. And he'd make Sylvia listen to his explanation, if it meant following her to Jericho! He'd be hanged if he was going to have his life wrecked by a confounded pair of stockings!

Miss Miller had a real liking for Mr. Betts. He was, to be sure, a trifle too unbending; but that must be considered more a pose than anything else. After all, he was only a kid. But he was a nice kid. Most men you worked for pinched your arm or got familiar, sooner or later. How he ever found courage to present her with a pair of silk stockings was more than she could understand. Certainly, having proved so thoughtful,— and courageous,— he must be given no cause to regret it. Miss Miller decided, and very sensibly, that the best method of showing her appreciation was to ignore stockings as a topic of conversation. She would show Mr. Betts in other ways — by typing his letters more carefully, and by not staying out so long at lunch-time — that she was not unconscious of his generosity. For it had been generous of him to give her the stockings. Her first pair of silk stockings! How delicious it would be to be able to wear silk stockings every day!

When Mr. Betts entered his outer office, intent on an artful interview with his stenographer, that young woman was typing a letter with great care, a small dictionary, long unopened, at her elbow; for, though convincing, her spelling had not infrequently proved a trifle too sketchy to suit her employer. Proceeding with artful indirection, Mr. Betts did not immediately approach the witness whose testimony he desired; instead, he pretended to consult a card index, then drifted to an open window, where he informed Miss Miller that he believed her office was cooler than his.

"Have you a letter for me to take down?" asked Miss Miller, reaching for pad and pencil.

"Not just now," answered Mr. Betts; "I'm — I'm resting."

"Oh!" said Miss Miller, preparing to resume her typing.

"You needn't go on with that," said Mr. Betts. "I was disappointed at your refusing to take the afternoon off yesterday. And I've been wondering — that is, I've been hoping my little — er — gift didn't make trouble between you and — er — Rudolph."

"No," replied the astonished Miss Miller, "it didn't."

"I'm very glad. I was afraid your fiancé might misunderstand my choosing such a — er — such an unusual present for you."

"You couldn't have given me anything I would have liked better."

"I shouldn't have thought of it if I hadn't noticed you were wearing black stockings to-day," continued the artful Mr. Betts. "I hope you will pardon my having mentioned it."

"Sure I will."

"Ah, that reminds me — I knew there was something else. The young lady who was here yesterday morning. You remember her, perhaps. You told me she noticed your stockings."

"Yes, I remember."

"She telephoned me last night to say she believed she had left her gold bag in my office."

"I'm certain she didn't; I noticed it in her hand when she went out the door."

"Just as I thought," said Mr. Betts. "I told her I was sure she hadn't left it here. I'm glad she admired your stockings, though. Er — you see, there are so many shades of purple, and if she hadn't admired them, I might — I probably would have doubted whether I had chosen the prettiest. I'll wager anything she asked you where you got them?"

"Well, I didn't tell her you gave them to me, if that's what you want to know. What's more, if you want your old stockings back, you're welcome to them."

"Oh, I say!" exclaimed Mr. Betts. "I — er — you misjudge me cruelly, Miss Miller! I didn't — I don't want to know anything. I merely thought — that is, I imagined — that is — Why, hang it all!"

"There, there," said Miss Miller soothingly, "don't take on so; I understand perfectly."

"You can't fool me," she thought, as Mr. Betts retreated hurriedly to his private office. "The boss is sweet on the girl that was here yesterday, and somehow she's got it into her head he gave me those stockings. It made me mad at first, the way he tried to pump me, but I'm glad I put him wise. Poor kid! I shouldn't wonder but he's been having one hell of a time trying to explain. It's a good job I kept my mouth shut and didn't give him away to his girl; now he can stick to the lies he's told her, and she'll probably end by believing him. Ain't it queer how a girl can get jealous of a man that's as innocent as a kitten? I ain't no more to Mr. Betts than the paper on the wall; it's only that he's kind-hearted. Though, if I was to catch Rudolph giving stockings to another girl, I'd get green-eyed, even if I knew he was as innocent as the angel Gabriel. I guess this will teach Mr. Betts to be more careful. Just the same, I'm glad I got the stockings."

"HOW HE EVER FOUND COURAGE TO PRESENT HER WITH A PAIR OF SILK STOCKINGS!"

Safe in his private office, Mr. Betts congratulated himself on the result of his investigations. True, the cross-examination had not progressed exactly as he had planned. Yet, what matter the route one travels, if one reach the desired destination? Though very sorry indeed to have provoked Miss Miller's anger, Mr. Betts could not help feeling greatly relieved. He knew now, knew definitely, that Sylvia, having jumped at a conclusion, must have landed somewhere between the banks of doubt and certainty, for she could never be really sure he had given Miss Miller those stockings. And, without this certainty, it was unjust — terribly unjust! — to confine him in the prison of her displeasure. Too proud to use the file with which Miss Miller had provided him, the wrongfully imprisoned and reproachful Mr. Betts sat silent in his cell, looking gloomily through the bars, until a telephone call from a brother attorney made it expedient for him to leave his office.

Mr. Betts had been gone scarcely five minutes when a diminutive and itinerant representative of an enormously important corporation opened the door of the outer office and swaggered across the room to where Miss Miller was typing diligently.

"Tellygram for de boss," he announced.

"All right," said Miss Miller; "give it here."

"I'll give it to de boss, see?"

"The boss ain't in, darling child."

"Say, cut out de candy talk!"

"Very well, dearie."

"And git busy wid yer mitt."

"Yes, sweetheart. Where do I sign?"

"You make me tired; I ain't no baby."

"Bless my stars, so you ain't! And I was just going to kiss you."

"Aw, fergit it!"

"Sure I'll forget it. Here's your book, son; and next time you come into an office where there's a lady present, you take off your lid and act more polite. Now, skidoo!"

The messenger boy gone, Miss Miller opened the yellow envelop he had brought, preparatory to reading the telegram, for she always read telegrams that came to the office during Mr. Betts' absence; it was expected of her. Then, if she happened to know where he was, and the wire was important, she could telephone it to him at once — an eminently sensible and businesslike arrangement.

There was something about this telegram, however, that seemed to agitate Miss Miller. Good heavens, yes! She read it once, twice, three times. How perfectly dreadful! Though addressed to Mr. Betts, it was plainly no message for him to receive. He shouldn't receive it, either — not if she lost her job by it. Taking the telegram in her two hands, Miss Miller tore it into little bits; then, leaning back in her chair, she laughed hysterically. Wasn't it the limit? Hadn't she been the little goat? She had, she had! Moreover, by playing the goat she had chased Mr. Betts up the biggest kind of tree. He was climbing yet, poor dear! And it was all her fault, her colossal stupidity! Well, one thing was certain: Mr. Betts must never know that she had tumbled to the truth, or that she had opened a telegram that read:

Where are my purple stockings?

ROSALIE BETTS.

"I as good as held him up and took his sister's stockings away from him," Miss Miller decided mournfully; "and when the poor lamb squirmed, I thought it was on account of being embarrassed. And then his girl had to butt in and catch me with the goods on, and — Oh, Lordy, Lordy! And me thanking him with tears in my eyes, and wondering how in Sam Hill he knew it was my birthday! Ain't it the limit, though? Just ain't it?

"I can't give the stockings back now, because I've wore them; besides, it wouldn't be decent, after the way the boss acted. He was a little sport, all right — never batted an eye after he'd got his bearings. And afterward, when he got scared I'd told his girl he'd gave me the stockings, what did he do? When most men would have been throwing fits around the office, all he done was to try and pump me. Pump *me*. Why, he couldn't even pump water out of a well!

"One thing's sure, it's up to me to do something. I got him into this mess, and I got to help get him out again. What's more, I got to get him out without his knowing it was me that done it, and I guess that means tackling his girl."

Miss Miller sighed dismally. If there was one thing in the world she didn't care to do, it was to tackle Mr. Betts' girl. But, with the path of duty so clearly marked, only a quitter would take to the tall timber. Yes, she would tackle Mr. Betts' girl. Before she could do this, there were, of course, several facts to be unearthed. She would dig these facts out of Mr. Betts when opportunity offered. In the meantime, she'd get busy and finish typing that letter.

Returning to his office after a half hour's absence, Mr. Betts was treated to another surprise. Indeed, it seemed as if the whole world were in conspiracy against his happiness and peace of mind; for this new surprise was, in its way, most disturbing. When he had feared Miss Miller's manner might become intolerable, she had behaved remarkably well; but now — confound it all!

"You remember the young lady who was here yesterday," she was saying, "the one who admired my stockings?"

"Yes."

"Would you mind telling me her name?"

"Yes. That is — no, of course not."

"Well?"

"Miss Andrews."

"Her full name, please."

"Miss Sylvia Andrews."

"And where does she live?"

"Really, Miss Miller!"

"I have a very good reason for asking."

"She's stopping at the Holland House."

"Thanks. The reason I asked was that I think I've found the gold bag she lost."

"But she didn't lose — I mean, she couldn't have lost it here."

"I know she couldn't. But she did lose it, didn't she?"

"Er — oh, yes!"

"Well, while you were out I noticed an ad in the Lost and Found column of the *Herald*. 'Found lady's gold bag. Owner can have by calling at 775 Broadway and proving right to same.' I thought I ought to tell you. Shall I try and get Miss Andrews on the 'phone?"

"No," said Mr. Betts. "You're awfully good to take so much trouble, but I — It might be more — I believe I'll telephone her myself — later, you know — about dinner-time. Er — thank you so much. I — I see you have some letters for me to sign. I'll sign them now, for

I'm — er — rather busy and don't care to be disturbed for the next hour or two."

Safe in his private office, Mr. Betts smiled feebly. "Now, that is what I call a coincidence," he thought. "Fancy her finding such an advertisement! Anyway, her coming to me with it shows she believed that yarn I told her about Sylvia losing a gold bag."

A gold bag! What Sylvia had really lost was more precious than all the gold bags in the world: the love and loyalty of a tender heart. In this grim, changeable old world, loyal, loving hearts were scarce — uncommonly scarce; and it was a deuced outrage for such a heart to be trampled on and cast aside because of a dashed pair of purple stockings! To poor Mr. Betts, life, at this moment, seemed very like a Bernard Shaw play: everything hind side before, injustice triumphant, and virtue its only reward.

Miss Miller, on the contrary, was rather pleased with life; she was particularly pleased with Miss Miller. "Say, the way I got what I wanted out of the boss was pretty slick," she decided approvingly. "And that's the way to do it, too: ask questions first and explain 'em afterwards. I knew darn well his girl hadn't lost a gold bag. Sylvia Andrews, Holland House. Gee, it must be great to put up at a swell place like that!"

Other and graver matters now demanding her attention, Miss Miller secured a sheet of notepaper, upon which, after much thought, she inscribed the following letter:

DEAR MISS ANDREWS: I beg to take the liberty of putting you wise to the following and I hope you will pardon me for addressing you which I do most respectfully. But I cannot help acting the way I do for it is all my fault Mr. Betts is so unhappy and it is not fair either because he did not go for to give me those stockings. Honest to God he did not. It was like this. The stockings were sent to the office with some typewriting paper. And I opened the package before he got here and was goat enough to think the stockings was for me. Not because he ever gave me a present in his whole life but because it was my birthday. You know how it is when a girl has a birthday. She always thinks she is going to get a gift. And when I saw those stockings something inside of me told me they was meant for me. So I put them on. And then Mr. Betts came in and you came in right after so I did not get a chance to thank him.

After you had left he called me into his office and begun to say something about stockings. And then I thanked him and asked him how he knew it was my birthday. And say he was such a perfect gentleman and that kind-hearted he just let me think those stockings was meant for me. And I did not know different till a telegram came to the office this afternoon from his sister. It said: "Where are my purple silk stockings?" Then I tumbled.

You see I read the telegram it coming to the office while Mr. Betts was out and it being part of my job to read telegrams and telephone them to the boss when I know where he is. I knew where he was all right but you can just bet I didn't 'phone it to him. I tore it up that's what I did. And when he came back I pumped him and found out where you was stopping. He is that innocent it was dead easy.

I guess you know how I feel what with Mr. Betts being so unhappy and me knowing perfectly well those stockings is at the bottom of it. You was as sweet as pie to him in the office before you got wise to my stockings. And then you tried to pump me about them. And then you sailed out of the office with your head in the air like you was mad. And I guess you was too. But you can take it from me Mr. Betts didn't get on to why you was mad with him till I begun thanking him for his sister's stockings. "They're beautiful," I says. "Why, even the young lady what was here this morning admired them." And I said it innocent as a lamb so help me thinking he would be pleased that others admired the stockings besides me. Men are like that generally. But Mr. Betts just looked unhappy and left the office not returning until next morning. And if I hadn't read that telegram I'd have thought to my dying day he only acted like that because he was embarrassed.

Anyway that is what happened. And the reason I'm writing this is because it was me acting like a goat that put Mr. Betts in wrong with you. Besides you looked to me like your heart was in the right place, meaning no offense. So I took the liberty of telling you how things was. And you needn't think I'm doing it because I'm sweet on Mr. Betts either because I'm engaged to be married to Rudolph Smith.

Also, if you care to make it up with Mr. Betts I've doped out a way. To-morrow he has got to be in court at eleven for a short space and after that he'll come here. And if he was to find a telephone call on his desk to ring you up it's a cinch he would be perfectly happy. And you needn't be afraid of my listening at the keyhole for as soon as he comes in I'll beat it. So all you have to do is to let me know if I can leave the call on Mr. Betts' desk and if you'll be in when he rings up around half past eleven. Say when I think of the mess I got him into I feel just awful.

Respectfully yours
GERTRUDE MILLER.

Her letter written, Miss Miller rang for a messenger boy. It was now four o'clock; she waited in the office till half past six, when, no answer to her letter having arrived, she started for home.

"I guess all that letter of mine done for Mr. Betts was to make his girl good and mad," she thought. "Some day maybe I'll get wise, and learn not to butt in."

Next morning, however, something occurred to restore Miss Miller's confidence in the efficacy of butting in. A brief note, delivered to her hand at the early hour of nine, read as follows:

DEAR MISS MILLER: Many thanks for making a complicated and very unusual situation clear to me. I shall be in my room between eleven and twelve, as you suggest.

Sincerely yours,
SYLVIA ANDREWS.

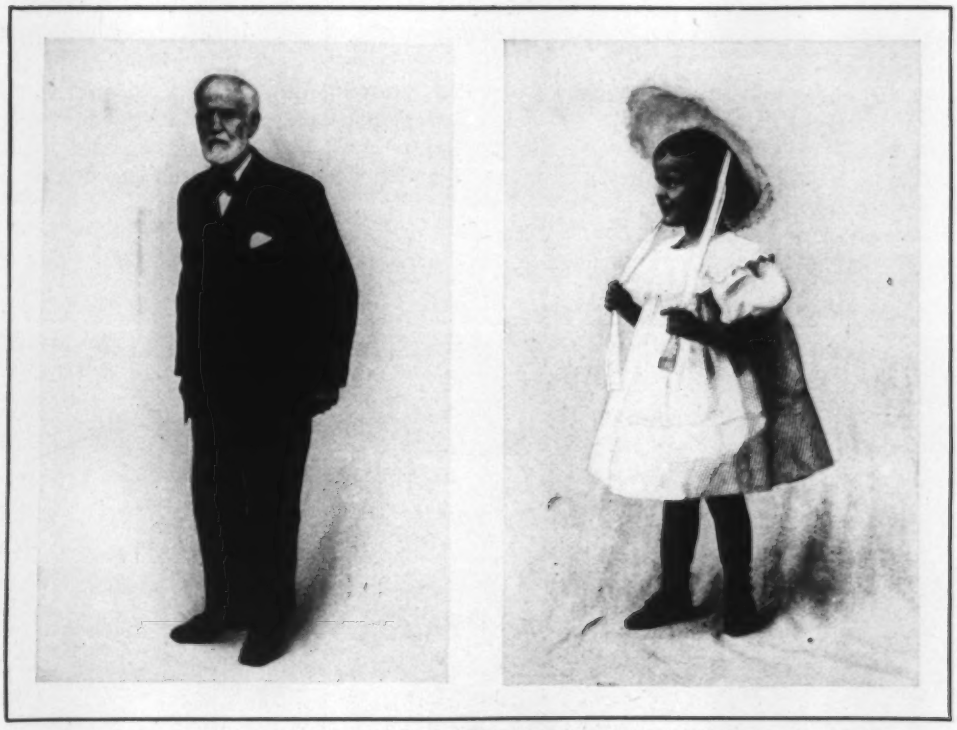
Miss Miller was enchanted; her plan had

worked out beautifully. Moreover, Mr. Betts' girl had acted like a thoroughbred. Marching into Mr. Betts' private office, Miss Miller wrote on the pad beside his telephone: "Ring up Miss Andrews, Holland House."

Though, naturally, greatly surprised, Mr. Betts' first impulse, on reading this imperatively worded message, was to disobey it. He'd be hanged if he'd ring up Sylvia! If Sylvia wanted to talk to him, she could — She evidently did want to talk to him, else why had she telephoned? It was deucedly queer, her telephoning him. Perhaps, after thinking it over, she'd come to believe him innocent in the matter of Miss Miller's stockings. And, perhaps, by flying a false color, he might sail triumphantly into the dear harbor of her esteem. But he wouldn't do it — not he; he would sail in under his true color, or not at all. And his true color, at this particular moment, was purple. Yes, he would fly a pair of purple stockings at his mast, even though he went to wreck on the rocks of Sylvia's eternal displeasure. Having reached this important decision, Mr. Betts proceeded to get Miss Andrews on the wire.

"Hullo. . . . Yes, this is Mr. Betts. . . . Please don't bother to explain. I could see you weren't looking well when you left my office that morning. . . . No, I don't think I can call this evening. . . . I'm awfully sorry, too, but — Confound it all, Sylvia, what's the use of pretending there's nothing wrong? You thought I gave my stenographer those purple stockings. And I did. Do you hear me? I *did!*"

Miss Andrews' reply to this rashly incriminating speech will, of course, never be known. Mr. Betts himself wasn't quite sure he understood it. But it sounded like — oh, amazingly like — "You darling!"



AN OLD MAN OF SEVENTY AND A CHILD OF FIVE, BOTH NEEDLESSLY BLIND

PREVENTABLE BLINDNESS

BY CAROLYN CONANT VAN BLARCOM

AND

MARION HAMILTON CARTER

"TRY to realize what blindness means to those whose joyous activity is stricken into inactivity.

"It is to live long, long days, and life is made up of days. It is to live immured, baffled, impotent, all God's world shut out. It is to sit helpless, defrauded, while your spirit strains and tugs at its fetters, and your shoulders ache for the burden they are denied — the rightful burden of labor." HELEN KELLER.

IT is an astonishing fact, and one not generally known, that one quarter of all the children in the blind schools of this country are needlessly blind. These children are doomed to life-long darkness because at the time of birth their eyes were not properly washed and treated by the attending physician or midwife. The cause of this preventable blindness is ophthalmia neonatorum (ophthalmia of the new-born), commonly known as "inflammation of the eyes of the new-born," "babies' sore eyes," or "cold in the eyes"—

NOTE: For material used in this paper, the writers are especially indebted to the publication (No. 2) of the Committee on the Prevention of Blindness of the New York Association for the Blind, entitled "Children Who Need Not Have Been Blind," by Miss Louisa Lee Schuyler, with whose consent the passages used are incorporated in the text without quotation marks. The statistical tables are taken from the Reports of the Committee on Ophthalmia Neonatorum of the American Medical Association. For further references, see the Report of the New York State Commission to Investigate the Condition of the Blind, 1906; The Blind and the Deaf, in Special Reports of the Census Office, 1900; Report of the Committee on Ophthalmia Neonatorum presented to the House of Delegates of the American Medical Association at the sixtieth annual session, June 7–11, 1909; Report of the Special Committee on the Prevention of Blindness, November 1, 1909; Report on Obstetrics: Ophthalmia Neonatorum, by Robert de Normandie, M.D., 1909; Ophthalmia Neonatorum, by Sydney Stephenson, 1907; and numerous papers by Dr. F. Park Lewis and others.

one of the most dangerous menaces to vision when treatment is neglected or delayed. "It is a veritable world plague," says Dr. Lewis. "It occurs everywhere, and no country has yet succeeded in getting it under control."

From New York to Japan, from Japan to Australia, from Australia to South America, its cases are scattered. In Mexico, it is the common cause of blindness, and that country claims at least 4,500 victims; in the New York State School for the Blind, at Batavia, 30.7 per cent of the children admitted in 1907 were victims of ophthalmia neonatorum; at the Pennsylvania School for the Blind, at Overbrook, the average in 1909 was higher — 44 per cent; at the Sheffield School for the Blind (England), Dr. Simeon Snell reports to the British Medical Association 127 cases out of 333 inmates — 42.36 per cent; and, still higher, the Henshaw School for the Blind (England) reported in 1908 that 90 out of its 200 children — 45 per cent — are blind from this disease.

Dr. Sydney Stephenson, ophthalmic surgeon to Queen Charlotte's Hospital, London, says: "'In the opinion of those well qualified to judge, ophthalmia neonatorum is the cause of more blindness than any other local disease, excepting, perhaps, atrophy of the optic nerve. It has been proved to demonstration that in ninety-nine cases out of a hundred this disease is preventable, and it may be prevented, moreover, by the use of a few simple precautions."

Dr. George Foggin, honorary ophthalmic surgeon to the Royal Victoria School for the Blind, goes so far as to assert that it "is responsible for more than one third of the blindness of the world"— meaning blindness at all ages and from all causes put together. It has been estimated that probably one half the blindness of the world is unnecessary; from which it follows that, of the 64,000 registered blind persons in the United States, about 30,000 are needlessly blind from various causes, and, of these, between 6,000 and 7,000 are blind as the result of ophthalmia neonatorum — about 10 per cent of the entire number. In New York

BLIND CHILDREN LEARNING TO BUILD HOUSES WITH BLOCKS IN THE KINDERGARTEN OF THE PENNSYLVANIA SCHOOL FOR THE BLIND. FORTY-FOUR PER CENT OF THE CHILDREN IN THIS SCHOOL ARE NEEDLESSLY BLIND

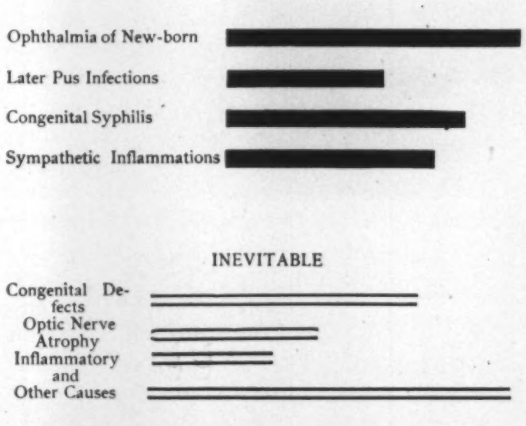
BLIND CHILDREN LISTENING TO A STORY-TELLER IN THE SCHOOL FOR THE BLIND AT OVERBROOK, PENNSYLVANIA. TWENTY-TWO OF THE CHILDREN IN THIS GROUP ARE VICTIMS OF OPHTHALMIA NEONATORUM

State 620 persons are known to be blind from this cause.

The following table, from a single school, graphically represents the general situation:

CHIEF CAUSES OF BLINDNESS

PUPILS REGISTERED IN NEW YORK STATE SCHOOL FOR BLIND, 1907–8



In 1907 the statistics for ten schools * showed the average proportion of victims of ophthalmia neonatorum to be 28.19 per cent. *It would have cost two cents on the day of birth to save the sight of every child blind through ophthalmia neonatorum.*

Two cents' worth of nitrate of silver solution and two minutes of the nurse's time is the cost of prevention. It is difficult, however, to estimate the cost of cure; for cures are rare, once the inflammation is set up — unless prompt measures are taken, the disease is nearly always

* PROPORTION OF VICTIMS OF OPHTHALMIA OF THE NEW-BORN IN TEN SCHOOLS FOR THE BLIND

1907

Schools for Blind	New Admissions	Ophthalmia of New-born	Per Cent
New York	13	4	30.7
Pennsylvania	27	9	33.33
Massachusetts	43	13	30
Colorado	7	3	42.8
Western Pennsylvania	28	8	28.57
Missouri	19	6	31.57
Connecticut	8	1	12.50
Ohio	36	7	20
Maryland	13	4	30.77
Ontario	23	5	21.74
Average percentage of victims of ophthalmia neonatorum			28.19

fatal to the sight of one or both eyes, and in the majority of cases the little victim becomes a charge upon public or private charity, often for life. But the figures here are startling enough. In the New York State School for the Blind, at Batavia, the per capita cost of maintenance and education is $407.43 a year, as against the $30 a year that it costs to educate a normal child in the Buffalo public schools — a difference of $377.43 for the blind child, that must be met by State appropriation.

THE COST OF NEEDLESS BLINDNESS IN NEW YORK

Total cost for education and maintenance of those blind from ophthalmia neonatorum at Batavia School for the Blind	$14,260.05	
Education alone in school for the seeing would have cost	1,050.00	
Excess cost paid by the State at Batavia		$13,210.05
Total cost for education and maintenance of those blind from ophthalmia neonatorum at New York Institution for the Blind	$18,904.40	
Education alone in school for the seeing would have cost	1,200.00	
Excess cost paid by State in New York		$17,704.40
Total		$30,914.45

THE COST OF NEEDLESS BLINDNESS IN OHIO

Victims of ophthalmia neonatorum in State School	64
Per capita cost in State School (average) (Maintenance Public Expense)	$340.00
Per capita cost seeing schools (average) (Maintenance Private Expense)	30.00
Per capita excess for needlessly blind	310.00
Total annual excess maintenance and education of those whose sight might have been saved	$19,840.00

This total of over $50,000 in the Ohio State School for the Blind, the Batavia School for the Blind, and the New York Institution for the Blind, that might have been saved annually, does not take into account the cost of maintaining the blind in private institutions or those remaining in their own homes. It is estimated that the total cost of the needlessly blind, throughout the State of New York, exceeds $110,000 a year; and if the blind citizen is a dependent for life, the cost of his maintenance will be not less than $10,000. These figures do not include money paid out in pensions under the pension system obtaining in New York City, Ohio, Illinois, and Great Britain, or special appropriations for buildings. To mention but a single case: The State Legislature of New York was asked for an appropriation of $30,000 (which has not yet been granted) to build a kindergarten at Batavia for children who should never have been blind. Now, set these figures against the estimate of the State Department of Health that free distribution of a protective, at an annual cost of not more than $3,000, would have saved almost all of those eyes, and you have the gist of the economic question with which the disease confronts every State in the Union.

Ophthalmia neonatorum is a definitely infectious, communicable disease, and develops as a result of infective material entering the child's eyes at the time of birth, when inflammation of the delicate membranes speedily follows, to end, if not treated, in ulceration of the cornea and complete ruin of the sight. It is due to any one of a number of pus-producing microörganisms; but 80 per cent of all purulent inflammations of the eyes of new-born children is due to the gonococcus, which is easily communicated, either directly from an infected individual to another person, or indirectly from contaminated bedding, clothes, towels, wash-cloths, sponges, and the like, and may, in this way, go through an entire family, even an entire school. Cases are on record where as many as eight babies, born to one household, contracted it, one after another.

Although the name of this disease may be unfamiliar, few of us have not seen babies suffering with it, their eyes swollen and sometimes protruding, the lids puffy, emitting a discharge of pus from between their margins. Until 1881 nearly all children so afflicted were doomed to become permanently blind. But in that year Professor Credé, of Leipsic, Director of the Maternity Hospital connected with the University, made the wonderful announcement that a single drop of a 2 per cent solution of silver nitrate, dropped from a glass rod on the eye-ball of the new-born infant, would destroy the germs of ophthalmia neonatorum, should any be present, and would not injure healthy eyes.

Through this simple prophylactic, Dr. Credé reduced ophthalmia neonatorum in his own clinic from 10 per cent of the whole number of births to one fifth of one per cent — that is, from one in every ten babies to one in every five hundred. In 1880, just before the application of his discovery, Professor Credé had had 14 cases in 187 births; in 1880–83, with 1,160 births, only one case developed. "From tables published by Kostling, of Halle, in 17,767 births with no treatment, 9.2 per cent developed the ophthalmia of infancy, while, in 24,723 births in which the prophylactic treatment of the 2 per cent nitrate of silver was employed, the infection developed in 0.65 per cent. In 4,000 births at the Sloane Maternity Hospital in New York, during a period of six years in which Credé's method was employed, not one case of ophthalmia developed. Later, in 1886, Credé reported 1,211 births, with 3 but slightly affected, or 0.25 per cent. . . . A physician in Buffalo, whose routine practice was to use the Credé solution, omitted it twice, in the course of a year, because he did not happen to have a preparation of the

silver in his bag. In both of these ophthalmia developed."*

Regarding conditions existing in the maternity hospitals before Credé wrote his famous articles, Leopold said: "At the end of the seventies there was probably no obstetric clinic that did not, in a room apart, show one or several of these unfortunate infants, who were in danger of being blinded for life. It made one shudder to enter such an apartment. Yet, but a few years later, beginning with 1884, this room had vanished as if by magic." †

The value of Credé's discovery is now accepted by physicians everywhere, and all obstetricians of standing use nitrate of silver, or some of the derivatives of the silver salts, in the eyes of new-born babies. It is regarded by them as a matter of routine — a precautionary measure against even chance infection. Nevertheless, in spite of these facts, a very careful investigation made in Buffalo in 1906, under the direction of Dr. F. Park Lewis, showed that the disease appeared in one out of every two hundred births. It was further shown that the larger proportion of cases of blindness resulting from infant ophthalmia occurred in the more remote country districts, where the patient is seen less frequently by the attending physician. If, however, we assume that the ratio in Buffalo holds throughout the State, the 183,012 births registered in that year would indicate 915 cases of ophthalmia neonatorum — evidence of its still alarming prevalence. How many of these were saved by protective treatment we have no means of knowing. We are inevitably led to the conclusion that the loss of sight of almost every child whose eyes have been destroyed by infant ophthalmia is due to the criminal ignorance or carelessness of those who preside at the birth of the child.

The case was never put more strongly than by the late Dr. Wheeler when he said: "The significance of a single case of unnecessary blindness is so great that it will not lend itself to mathematical computation. To the individual thus injured the damage . . . is not measurable by our ordinary standards of value. We

* "Ophthalmia Neonatorum; a Pathological Anachronism," by F. Park Lewis. *American Journal of Obstetrics*, Vol. LVI. No. 5.

† "Ophthalmia Neonatorum," by Sydney Stephenson, p. 182.

THE YOUNGEST CLASS IN THE PENNSYLVANIA SCHOOL FOR THE BLIND. NEARLY HALF OF THE CHILDREN IN THIS SCHOOL COULD HAVE BEEN SAVED FROM BLINDNESS AT A COST OF TWO CENTS APIECE

THE SIGHT OF EACH OF THESE FOURTEEN CHILDREN COULD HAVE BEEN SAVED BY THE USE OF TWO DROPS OF ONE PER CENT SOLUTION OF SILVER NITRATE

BLIND CHILDREN IN THE SCHOOL FOR THE BLIND AT BATAVIA, NEW YORK, WHERE NEARLY ONE THIRD OF THE CASES ARE VICTIMS OF OPHTHALMIA NEONATORUM

ought not to try to cast it into an equation. A profession cannot thus compromise with its honor. Ten thousand treatments by Credé's method are a myriad of trifles that, taken as they occur, involve an outlay of neither time, trouble, nor expense. As acts of commission they are a negligible quantity. As acts of omission, however, with their possible consequences to the victim of almost complete catastrophe, each one is immeasurably large." *

One of the customs brought to us by foreigners is the employment of midwives, a custom that has come down through the ages, and that is still of almost universal adoption in Austria,

* "The Control of Ophthalmia Neonatorum," by the late John T. Wheeler, M.D. *North American Journal of Homoeopathy*, February, 1909.

BLIND CHILDREN AT PLAY IN THE SCHOOL GARDENS AT OVERBROOK, PENNSYLVANIA

Germany, and Italy. In those countries women who practise midwifery are obliged to take a regular course of instruction; they must be of assured good character and must pass stringent examinations before they can be licensed and registered, the license being revocable at any time, and registration to be renewed annually; and, while they are practising, they are under constant Government supervision.

Although midwives are largely employed in the United States, especially by foreigners, no adequate provision, with rare exceptions, has been made for their examination before licenses are granted and registration allowed by Departments of Health or by authorized Boards of Examiners. Of the sixty-one counties in New York State, there are legally constituted Boards of Examiners in Midwifery for only three — Erie, Niagara, and Chautauqua — and one for the city of Rochester. Under the laws of 1907, the Department of Health of the city of New York is "vested with the power and authority to adopt rules and regulations and adopt ordinances governing the practices of midwifery in the city of New York, including rules and regulations and ordinances for the admission to said practice, and the exclusion from said practice, and the regulation and inspection of midwives and the practice of midwifery" (Chapter 432).

Yet, except in the cities and counties mentioned, midwives are under no supervision in their practice; however ignorant they may be, there are no safeguards for those they serve. Is it to be wondered at that the standard for fitness among the trained foreign midwives who come to this country is soon lowered, or that grossly incompetent, untrained women are to be found on the registry lists, where it is so easy for them to get?

In Chicago, in 1904, 86 per cent of all births, principally among Italians, were reported by midwives. In Buffalo, New York, with a population of about 400,000, nearly one half the number of births in one year were attended by midwives. In New York City, in 1905, 43,834 births, or 42 per cent of the whole number, were attended by midwives, employed largely by Italians, Austro-Hungarians, Polish Jews, and other foreigners. For the year 1907, in New York City, 68,186 births were reported by physicians, and 52,536 by midwives. In September, 1908, the registered midwives in the five boroughs of New York City numbered 1,382.

In the face of these figures, it is idle to talk of the elimination of the midwife. "It is a condition, not a theory, which confronts us."

Miss F. Elizabeth Crowell, graduate nurse to the New York Association of Neighborhood Workers, examined 10,000 certificates of births in 1906, and personally interviewed 500 mid-

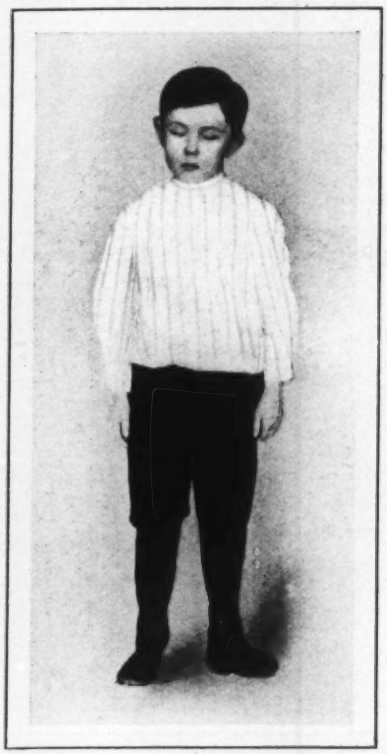
wives in their homes, — over half of those practising at that time in the Borough of Manhattan, New York City, — and found that only fifty, less than 10 per cent, "could be qualified as capable, reliable midwives."* She goes on to say:

"Classifying according to nationality, I found that, out of the 500 midwives, 27 per cent were Austro-Hungarians, Bohemians, Austro-Poles; 25 per cent, Italians; 22 per cent, Germans; 14 per cent, Russians; that 4 per cent were born in the United States, 2 per cent in Ireland, and the remaining 6 per cent were made up of natives of France, Sweden, Switzerland, England, Scotland, Syria, Turkey, Holland, Belgium, Denmark, Buenos Aires, and one West Indian negress. . . .

"The homes of these midwives are to be compared with the homes of the women whom they attend, the average three-room tenement — clean or dirty, according to the personal habits of the midwife who occupies it. Of the midwives' homes, 106 were absolutely filthy, as was the clothing and the person of the midwife herself. Of the remaining 394, I should say one third might be designated as excellent, the other two thirds fair. . . .

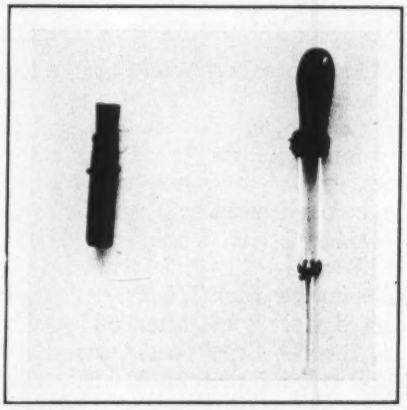
"As for the bags and their equipment, from a professional standpoint by far the greater number would make fit decorations for a chamber of horrors. . . . Out of 303 bags inspected, 34 only were marked as first-class — that is, they were clean and their equipment was complete and sterile. . . .

"I was visiting one Italian midwife whose home was of the dirtiest, the condition of whose hands was indescribable, whose clothing was filthy, the condition of whose bag beggars description, when a call came for her to go at once to a confinement. Not wishing the woman to lose a case because of my being there, I told her to make her necessary preparations while I talked. 'Oh,' she replied, 'I am ready'; and throwing a shawl over her head and seizing the bag, she was off — to take the life, the future health, and well-being of a mother and child into her keeping."



PREVENTABLE BLINDNESS

AND



ITS CURE

"I have been astonished," writes Dr. de Schweinitz, "in this comparatively enlightened age, to find the appalling practices which go on among the poor in the Italian, negro, and other quarters of the city. It would seem to me that there is not a foolish thing that some equally foolish midwife will not put into the eyes of a new-born baby, provided there is an irritation. Mothers' milk, raw beef, tea-leaves, raw potatoes, wet clay, saliva, and poultices are a few of the items, others of which can hardly be mentioned — anything and everything but a germicide to destroy the infection.

To meet this situation, rigorous measures are necessary. The admirable Howe law, on the statute-books of sixteen States, requiring midwives to report a case of ophthalmia neonatorum to the health authorities, is rarely enforced. For instance, in Connecticut, a nurse or a midwife must report purulent inflammation of an infant's eyes within six hours, or be liable to a fine not exceeding $200, or imprisonment for six months, or both. But, recently, in a trial for negligence in this particular, two midwives were not convicted because the judges said that "any baby was liable to have sore eyes." The evil consequences — the encouragement of irresponsibility — of such judicial ignorance would probably have been great, but for the wide pub-

* Published in full in *Charities and Commons*, January 12, 1907.

licity given the affair in the papers, which caused many mothers to request their physicians to use "drops" as a matter of routine.

But even the enforcement of excellent laws will be found inadequate if the exact prescription is not available. In this treatment, accuracy is imperative. Careless or too frequent dosing may result in a clouding of the cornea. Cases have been known in which an ignorant midwife or nurse, not seeing the cure immediately follow the first treatment, kept on pouring the silver nitrate into the baby's eyes, every hour or so, until the sight was permanently injured. The concensus of opinion among ophthalmologists and obstetricians is that the chosen prophylactic should be a derivative of the silver salts, preferably a 1 per cent solution of nitrate of silver. First, to meet the situation, midwives and nurses should have placed in their hands, ready for instant use, a standardized solution issued by the health authorities of the State, as a guaranty of its quality and efficiency. Second, the law should require all births to be reported within thirty-six hours, instead of within the ten days now allowed in most States. If, in addition, each form of notification of birth should carry the question, "Did you employ a preventive for ophthalmia neonatorum? If not, why not?" it is believed that, should the disease be present and no preventive measure have been taken, the sight of the child might yet be saved, by calling the attention of the physician or midwife to the omission within thirty-six hours after birth.

The vigorous efforts of the health officers of the State and city of New York, Commissioner Porter and Commissioner Darlington, show how much may be accomplished when the importance of the early care of infants' eyes is fully recognized, as it is by the Health Department of the State and city of New York. The State Department distributes, free of charge, colored glass vials, each containing enough standardized 1 per cent nitrate of silver solution for treatment of one new-born baby's eyes. On application by any physician or midwife to the local health officer, this is sent in a mailing-box, together with a dropper, and printed directions in three languages.

In New York City, during the summer of 1909, every birth reported by a midwife was visited almost immediately by a trained nurse, who personally inspected the child's eyes for symptoms of ophthalmia neonatorum. In the printed Rules and Regulations for 1908, governing the practice of midwifery in the city of New York, Rule 22 requires that "one or two drops of a 1 per cent solution of silver nitrate be dropped into the eye" as soon as the child is born (this applies to all children); and, should there develop "swelling and redness of the eyelids, with a discharge of matter from the eyes," the midwife is directed to summon a physician. The New York State Department of Health has also printed upon the new forms of notification of births the question: "What preventive for ophthalmia neonatorum did you use? If none, state the reason therefor."

But, although Credé's announcement was made over a quarter of a century ago, and many physicians have since labored unceasingly to suppress the disease, individually and through organized effort (the American Medical Association has appointed committees in every State of the Union), the average number of children blinded by ophthalmia neonatorum continues, year after year, above 25 per cent. Take, as an instance, these figures for the last ten years in a single school:

TABLE OF PUPILS WHO ENTERED THE PENNSYLVANIA SCHOOL FOR THE BLIND DURING 1900-1909 SHOWING THE PROPORTION BLIND FROM OPHTHALMIA NEONATORUM

		Per Cent			Per Cent
1900	11 out of 25	44	1905	21 out of 42	50
1901	10 " " 28	35	1906	12 " " 38	31
1902	9 " " 39	23	1907	9 " " 34	26
1903	14 " " 50	28	1908	11 " " 29	37
1904	15 " " 58	25	1909	15 " " 34	44
			Average for Ten Years		33.68

The truth is that the medical campaign was not enough; only the concerted action of physicians and the public can stamp out the disease. This was recognized by the Commission of 1903, appointed to investigate the blind of New York State. Dr. F. Park Lewis, its president, made his plea for the new "campaign to save infants from blindness" in the words: "But the physician can never do this alone. This is a social effort. Every women's club, every charitable society, must interest itself in protecting the babies; for, of all ignorance which needs to be dispelled by the spirit of regeneration among us, none is more intolerable than that which wantonly permits children to be plunged into the abyss of blindness."

These words *went home* to one woman. She was looking idly through the Commission's Report when her eye was caught by the picture of a group of little children — "Unnecessarily Blind"; then another, and yet another — mere babies, some of them. And as she turned the pages, she exclaimed, over and over, "*Unnecessarily blind!* Is such a thing possible? Can it be true that 'none of these children would have been blind if a single drop of a harmless preparation had been put in each eye on the day that he was born'?" (Those were the bitter words printed under one of the pictures.) "All those

children could have been saved? Then *why* did nobody save them?"

"I then saw," she modestly explains, "that it was a case of what is everybody's business is nobody's business, and I felt that I must try to do something. At least, I could write to Dr. Lewis and ask him how I could help."

The result was that this woman, Miss Louisa Lee Schuyler, was asked to organize a Special Committee on the Prevention of Blindness, to be appointed by the New York Association for the Blind, which was done on the 1st of June, 1908.* An appropriation was made by the Russell Sage Foundation to meet the expenses of the new undertaking, and the first committee in the United States composed of both laymen and physicians was established; and within six weeks, all told, work was well under way. The duties of the Committee, which met for the first time on June 5, 1908, are defined as follows: "The object and scope of this Committee shall be to ascertain the direct causes of preventable blindness, and to take such measures, in coöperation with the medical profession, as shall lead to the elimination of such causes."

The work of the Committee is partly educational — the free distribution of pamphlets, folders, leaflets, etc., and the planning of lectures and exhibits — and partly assistance in securing legislation. To enable the State Commission to provide the 1 per cent silver nitrate solution in sealed glass vials, each containing the exact quantity to be used in one infant's eyes at birth, it was found necessary to get a State appropriation of $5,000. This was granted by the Legislature of 1909, as an item of the Supply Bill. Another recommendation of the Committee to the Legislature was for the earlier notification of births, reducing the period from ten days to thirty-six hours.

To accomplish these important objects, an amendment of the general Health Law was needed. This was applied for by the State Commissioner and the Committee, acting together, and was granted by the Legislature, without opposition. The new law, now in operation, applies to all parts of the State, except the cities of New York, Buffalo, Albany, and Yonkers, since, by Section 38 of the Public Health Law, this amendment does not apply to these cities. It is hoped that it will soon be extended by further legislation to cover the entire State.

The fact that the Committee was organized to work under the guidance and by the direction of the medical profession has never been lost sight of. In all work undertaken by it, the closest coöperation with the American Medical Association and other medical organizations, and with State and city health officers, has been sought, and has been most cordially given. Up to the present time, though planning to extend its work to the investigation of all causes of preventable blindness, the Committee has centered its efforts on ophthalmia neonatorum, as being at once the most easily reached and the most pathetic of all forms of blindness.

The spirit animating the Committee was expressed by Dr. Lewis, the recognized leader in this country of the present crusade against ophthalmia neonatorum, in the following eloquent appeal. "The duty of saving the child from this calamity," he said, "is one devolving not only on the State: it rests upon every right-minded individual to whom a knowledge of this danger comes. We cannot be censured for taking no action concerning conditions about which we have no knowledge; but when I demonstrate to you that there will be born in the State of Massachusetts and in the city of Boston, during the coming year, hundreds of innocent, well-formed babies whose eyes may be injured or destroyed because right steps are not taken to protect them, then upon each one of us who knows and makes no effort to prevent this affliction will rest the responsibility for the result. It should be a self-imposed task on every society for the prevention of cruelty to children, upon every charity organization society, upon every legislator, upon every citizen, to promulgate a knowledge of the dangers which menace the babies of the land; and if they and we unite our efforts (for no movement should be attempted except with the authority and coöperation of the organized medical profession), this pathological anachronism of a controllable and preventable infection, which continues to work havoc and disaster in spite of twentieth-century knowledge and methods, will be robbed of its virulence, and comfort and happiness and prosperity shall be assured for multitudes of children yet unborn."

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* The Committee is at present made up of the following members: Miss Louisa Lee Schuyler, *Chairman*, Vice-President State Charities Aid Association; Hon. Eugene H. Porter, A.M., M.D., New York State Commissioner of Health; Hon. Thomas Darlington, M.D., Former Commissioner of Health of New York City; Dr. Charles Stedman Bull, Professor of Ophthalmology in Cornell University Medical College, Surgeon to New York Eye Infirmary; Miss Martha Lincoln Draper, Member Council of Public Education Association; Dr. J. Clifton Edgar, Professor of Obstetrics and Clinical Midwifery in Cornell University Medical College; Mrs. Edward R. Hewitt, Chairman Executive Committee New York Association for the Blind; Dr. Ward A. Holden, Instructor in Ophthalmology, College of Physicians and Surgeons, Consulting Oculist to Roosevelt and Bellevue Hospitals; Miss Winifred Holt, Secretary of the New York Association for the Blind; Dr. F. Park Lewis, Chairman Committee on Ophthalmia Neonatorum, American Medical Association; Mr. Thomas M. Mulry, President of Superior Council of New York, St. Vincent de Paul Society; Mrs. William B. Rice, Vice-President State Charities Aid Association; Hon. P. Tecumseh Sherman, Former Commissioner of Labor, State of New York; Miss Lillian D. Wald, Head Worker in the Henry Street Settlement (Nurses' Settlement); Miss Carolyn C. Van Blarcom, R.N., *Executive Secretary*, formerly Assistant Superintendant Johns Hopkins Hospital School for Nurses.

Communications, requests for information, pamphlets, etc., should be addressed to the Executive Secretary, at the office of the Committee, 289 Fourth Avenue, New York City.

"DAYS WHEN THEY TWO HAD ROAMED NEW YORK WITH A GAY BAND OF STUDENTS"

FOR THE SAKE OF HER CHILDREN

BY

OCTAVIA ROBERTS

ILLUSTRATIONS BY THOMAS FOGARTY

THE convention of modern educators had lasted three days, and during the rapid succession of programs and committee meetings, between which the hospitable city had wedged pleasure drives and receptions, Julia Lane had never once allowed herself to forget that she was going to hunt up Emily.

A chance resemblance was at the bottom of her resolution. She had spoken, of course, as her position in the educational world demanded, on the "Value of Plays and Pageants"; had, indeed, been the chief speaker of the first evening. During the flow of her easy, authoritative discourse, she had noticed in the audience a face that had teased her with its likeness to some other face. Even as she scored one neat point after another against the older educational methods, she was asking herself who among her friends had those glossy brown braids, that ruddy, happy face, alight with genuine appreciation. It was not until the girl laughed that it came to her. The ringing, spontaneous laugh, that led the room in its heavier rumble, instantly, poignantly, recalled Emily. Miss Lane was so startled, so moved by the similitude of face and manner, that it was with difficulty she brought her lecture to its usual neat conclusion.

Among the throng of young teachers who crowded to speak to her during the reception that followed the lecture, Julia Lane recognized the girl who had laughed. In repose her face no longer suggested as vividly that other face, the resemblance lying, Julia mused, in some subtle quality of spirit rather than in mere line and color; yet, impulsively, she detained her be-

yond the others to say aimlessly, "You looked, all the time I was speaking, so remarkably like an old friend of mine."

The girl smiled, vaguely flattered. "Who is it, Miss Lane?"

"Emily Lathrop. She's married now. Dear me!" She laughed at herself. "She's *been* married for nearly fifteen years. I haven't seen her since we were girls. She's Mrs."—she hesitated—"Mrs. Frederick Coit; she's double your age. How time goes!"

In her admiration of Miss Lane, the girl lingered, struggling with a shy difficulty in speech. "I know a Mrs. Frederick Coit," she said, "but we don't look alike. Her son is in my room — a boy about ten."

Miss Lane's face quickened to interest. "What's his name?"

"Lathrop — they call him Lal."

"Why, it must be my friend — her maiden name and all. Could it be that Emily lives here? I thought they were out in Kansas. How long has the boy been in school?"

"About two years, I think."

For several minutes questions succeeded answers, and at their conclusion Miss Lane, upon the chance that she had accidentally discovered Emily, jotted down an address and returned to the hotel with the resolution to look her up.

Through the busy days that followed, even amid the multiplicity of duties at the convention, the expectation of again seeing her old friend lay warm at her heart. The young teacher had become a self-appointed secretary, and Miss Lane had methodically despatched through her a type-written note to the Mrs. Coit of the girl's acquaintance, suggesting a meeting if she should prove to be the friend of her girlhood.

"I don't think she can be," Rosa Little said dubiously, her mind reverting to the resemblance Miss Lane had found between them. "She's an awfully sober woman, Miss Lane — kind of dragged out. They're pretty poor, I think. Was she a jolly girl?"

She listened respectfully as Miss Lane gave a running sketch of the Emily Lathrop of other days — days when they two had lived in a flat together, studied art, roamed New York with a gay band of students, tried in vain to sell their illustrations, laughed over failures, eaten everywhere and anywhere, heard good music, seen good pictures, lived as it were among the stars. "The turn of the lane came later," concluded Julia; "I began planning pageants for the schools, and she went back home and married. I remember yet how I cried at the wedding. It was no fun to see that good-looking, great man carry off my chum, even though his father was the rich man of the place and we all thought Emily had made a great match."

"It's queer no answer has come to your note," said the girl, and Julia began to think so, too.

Her position among the higher powers necessitated her staying until the end of the week. Many of the delegates had already gone, when Julia Lane, hurrying to a meeting with some auxiliary body, ran straight into Emily's husband. She knew him instantly, though he had grown thicker and more florid with the years. When he had once made sure of her, he threw away his cigar, to clasp her hand warmly, cordially in his.

Yes, they had moved from Kansas two years ago. How glad Emily would be to see her! They had followed her progress as best they could. No, Emily had received no note; it must have gone astray. She must come out to dinner and stay all night. He wouldn't take no for an answer, and impulsively set the next evening for her going. He was loud in his assurances of Emily's delight.

The following night, as Julia Lane, her handsome traveling-bag neatly packed, rolled over the asphalt toward the distant address that was Emily's, misgivings obtruded themselves as to her wisdom in accepting the invitation. Years brought such changes! The mother of children went one way, the teacher another, though their ultimate intention was closely related. The memory of Frederick's cordiality was all that sustained her in her purpose. When the cab came to a standstill, she ascended the sagging steps of a frame house — a house of the village type, that in the earlier days of the city had had its lawn and shrubbery, but that now, in its decline, was wedged between towering apartment-houses. In another moment a woman opened the door. In the dim twilight Julia Lane saw a slight form in a worn black dress — with a face, under the brown hair, that was in some imperceptible way old without being lined. The voice was a little startled.

"What is it? What do you want?" she said, while from an inner room a boy and a girl drew near, the girl's voice asking in sharp alarm, "What's the matter, Mother? Has anything happened?"

Julia Lane was all confused apology and stammering concern. Hadn't Frederick told them of his invitation? She wouldn't stay, if they'd just get her another cab; she would only visit for a minute.

"Is it Julia?" said Emily; and then, in tardy welcome, she clung to her old friend mutely, burying her head on Miss Lane's tall shoulder in a clinging embrace before drawing her into the room.

"'WHAT'S THAT SHE'S TELLING YOU ABOUT ME?' HE CRIED. 'WHISPERING AND CONSPIRING AS USUAL, ARE YOU?'"

Once in the house, the young girl came forward and, at her mother's bidding, took Julia Lane's bag and cloak to an upper chamber, where her hurried tread told them that she was preparing the room for the night.

At the same time, in the room below, Emily Coit was silencing Julia's protestations with a kind of proud dignity. She had seated her before a little flickering grate fire, she herself moving, as she talked, from kitchen to dining-room, in frank preparation of the evening meal.

"Don't say a word, Julia; it's all right, I assure you. Frederick—was kept downtown on business last night, and, as we have no telephone, he couldn't let me know. He's always been a great admirer of yours, Julia. He knew, at the worst, it could be but a welcome surprise. How fortunate it was that you met! You supposed, of course, we were still in Kansas."

She listened as Julia Lane told of the resemblance that had so sharply recalled her face, and of the subsequent discovery of her whereabouts. "I wrote you," Julia concluded, "but Frederick said the letter never reached you."

Mrs. Coit bent down to take something from a cupboard. "Our mails are uncertain sometimes," she said evasively; and, with sudden sharp conviction, Julia knew that the letter had been received and purposely slighted.

When the meal was at last ready, and they sat about the little table, which, in spite of the general look of scant means, kept the unmistakable impress of a lady, Julia Lane left the conversation largely to Emily's instigation. Instinctively she knew that the years that had taken her friend from East to West and from West to East had been a dull round of business failure for Frederick, which doubtless had its sting, for a proud woman, in the presence of even Miss Lane's modest success. In a silent understanding, their talk was therefore wholly of the past, while the children listened to the recollections of those care-free days with puzzled eyes. Suddenly, at some recital of a students' prank, the girl drew a tremulous breath of longing. "Oh, Mother! Shall I ever have fun like that?" She had a sharp, anxious little face that her interest now intensified.

The mother's face clouded. "I hope so, darling." She turned to Julia. "Marta doesn't have the fun we used to, Julia. We've moved so much, the children make friends only to lose them."

Julia Lane, with her practised eye, looked at the young girl keenly. "She's at the age when they're most gregarious," she smiled. "She ought to go to boarding-school. I control a scholarship in our college. Would you consider parting with her, Emmie?"

The girl's face for one instant was lighted with a flicker of wild joy, that died, when her eyes sought her mother's, as suddenly as it had flamed.

"I couldn't leave home," she said dully, and spoke no more.

The mother looked at her with a kind of resigned regret. "I wish it could be, Julia; but at present I'm not well—I can't manage alone; I would if I could."

"You look far from well," Julia Lane admitted bluntly. "I'm afraid you live too much alone, Emily. I always used to tell you that you needed a good deal of stimulation. Do you have time for any club work or concerts? I find music such a rest, in my busy life; it seems to cleanse the soul."

A slight shade of bitterness hovered about Mrs. Coit's lips. "Julia, you're not a mother. When I've made the clothes, and cooked three meals, and swept the house, I've done all that I have strength to do. I live now for my children. I've given up my ambitions for their sake." She raised her chin proudly, a hint of defiance in her attitude.

Julia Lane, in her broader view, opened her lips to speak, but prudently closed them again, wondering what had become of the Emily of earlier days. She began to wish that she had not sought her out, but had kept inviolate that image of her youth.

They relapsed into a tacit silence, that was broken by some sudden noise on the porch.

Mrs. Coit screamed: "What's that? What's that, Lal?" while the girl clasped her hands close to her cheek, shrinking as she listened.

The boy peered out into the darkness. "It's only the blind, Mother. The wind slammed it shut." He put a protecting arm about his mother's shoulder, and she held him close in a convulsive clasp that startled Julia Lane by its intensity.

"He's the dearest boy, Julia," she said as she released him, a hand on either of his chubby cheeks. "He looks after Mother always. I don't know how I'd live without him. You think I've gone backward, Julia—yes, I can see you do. But aren't any sacrifices worth while for my dear boy and girl? What is my life worth, compared to their welfare?"

Julia Lane was grave. "My dear girl, I agree with you perfectly; they're worth everything—they're the future. Every educator knows it. The best of them ask no greater reward than the assurance that they're working toward the greatest good for the children. All this week, here in your city, delegates from every country have met, only to determine in what that consists. The one thing upon which

"SHE SLIPPED TO THE FLOOR AND BURIED HER HEAD ON JULIA'S KNEES"

we all agreed was the importance of a good home, the lasting effect of a happy childhood."

"Happy?" said the mother thoughtfully. Her eyes rested long on the children as they sat soberly, one on either side of the table.

As the minutes passed, Julia Lane detected a growing absorption on her friend's part. More than once she started nervously at Julia's perfunctory questions; for their conversation, which from the first had lacked all spontaneity, now resolved itself into this makeshift against hard silence.

"What did you say, Julia? No, I never see the Ainsworths. I didn't let them know I was here. What would be the use? I'm in no position either to accept or dispense hospitality."

She ceased abruptly, and for an instant Julia Lane supposed that she had been arrested by the consciousness of an unintentional rudeness; but the moment revealed a greater cause. The mother's face, which looked toward the door, went from white to red. Julia Lane saw upon it dread, horror, and an overpowering shame, freezing at last into a stony despair. The children, in a lesser degree, reflected these changes, too; the girl was quite white, the boy a burning red, when the mother said in a loud, clear, steady voice: "Julia's here, Frederick. You will be glad to see Julia Lane."

Julia Lane turned in her chair to greet her host. His face, to her vision, seemed strangely white, his eyes bloodshot as he took her hand.

"Who did you say?" he said dully.

Julia Lane laughed as she said her name. "Frederick, don't compromise me further by repudiating your invitation. I've startled Emily; don't add to my mortification by saying you didn't expect me, either."

He looked at her in a slow, frowning stare, that resolved, after a moment, into a smile. "Always glad to see you, Julia," he said, and dropped into the chair his daughter had hastily placed at the table.

His wife, who had gone to the kitchen, now returned with his supper. She set it before him without turning her head in his direction.

"Julia," she said in a low voice, "come back to the fire; we'll visit there."

Frederick Coit laid down his fork. "What's that?" he cried. "What's that she's telling you about me? Whispering and conspiring as usual, are you? Prepare a little surprise for you, and then you whisper—" His voice trailed off into nothingness, his attention attracted by a draught which his son silently proffered.

"What's that?" he said suspiciously. "Trying to poison me, aren't you? That's what you're trying to do. I won't take it." He glanced absently at the glass; then, with his dull eyes on the quiet group, he drained the bromo to the dregs, laughed foolishly, and made an attempt to eat his food.

Julia Lane softly slipped from the room. The young girl, in close attendance, closed the door behind them. Once in the little parlor, Julia addressed her resolutely: "Get my bag, Marta; I've remembered an engagement that will take me back to the hotel. You won't mind telephoning for a cab for me at some neighbor's?"

The girl's face was flushed to the ears. "Father isn't well, Miss Lane. He's been so busy lately. He'll feel better in a little while."

Miss Lane was silent, wincing still from the double coldness of her reception. From the dining-room she could hear the man's voice raised angrily. Emily's voice sounded in a low, suppressed undertone. Marta had disappeared, as if in response to her request; and Julia Lane, with a sense of outraged pride, paced the floor, awaiting the girl's return. To her dismay, she could see through the long windows that a wild March rain lashed the house.

Presently, as she waited, she saw Frederick Coit heavily ascending the stairs, his son on one side, Emily on the other; but after an appreciable interval the wife returned. Julia could see her hesitating a moment in the hall before she entered the room.

Once before the guest, a kind of relief filtered through the cold reserve of Emily's face. Sick at heart, Julia attributed this to her proposed departure; for the eagerness with which Emily credited her lame excuses for leaving left no shadow of a doubt in her mind as to the burden of her presence.

One on either side of the little grate, they now sat, silently waiting for the sound of cab wheels to put an end to the painful situation. Emily Coit, starting nervously at every sound, seemed to hold herself in her chair by a supreme effort of the will, while Julia, after a few inquiries about the husband's health, locked her long hands on her knee and bided her time as best she could. The sea of anger in which she was engulfed mounted higher, wave by wave, as she remembered her slighted letter, the double coldness of the welcome, the curt refusal of the scholarship, and, lastly, this chill acquiescence to her going. Yet, back of these surging thoughts, stealthily falling like a warm rain, came memories of her happy anticipation of this meeting, of old days cherished in her heart for love of Emily. Her anger began already to resolve into the keener emotion of wounded affection.

Marta's entry broke their silence. She stood in the doorway, pushing a dripping umbrella into the stand. "The cabs are all out, Miss Lane. They'll send the first that comes in, but it may be an hour."

A pulse seemed to beat for a moment in Emily Coit's thin cheek. "Will that be too late for your engagement?" she said pointedly.

Julia Lane sprang to her feet. "I'm afraid it will. If you'll lend me an umbrella, and tell me the way, I'll take the car," she said coldly, touching the soft cloth of her handsome gown with foreboding.

"Well," Mrs. Coit breathed in acquiescence; and she got the umbrella, and went upstairs for the bag.

Her appearance seemed the signal for renewed altercations. A man's angry voice floated down the stairs, followed by a sharp cry and the quick closing of a door.

"I can't bear it!" Marta suddenly said under her breath, and ran from the room.

Julia Lane sprang to her feet, her heart pounding in her ears. For an instant she stood in frozen silence in the center of the little room, the portent of those sounds above momently forcing themselves upon her consciousness. In the final certainty of their meaning, she covered her face with her hands and waited breathlessly.

After long moments, she heard Mrs. Coit approaching, and she raised her head from her arm with an effort to simulate the unconsciousness of an hour ago; but at the sight of Emily's white, strained face, she could only cry out brokenly, "Oh, my dear girl, why didn't you tell me?" and draw the frail form to her breast.

In the shelter of her arms, Emily Coit neither spoke nor moved. She was so quiet, Julia believed she had fainted. Then, without warning, she slipped to the floor and buried her head on Julia's knees. Of all the changes that time had wrought, none, to Julia Lane, seemed so marked as this—that gay, joyous Emily should have been brought to this abasement. She could think of nothing better to do than to stroke softly the wealth of brown braids, while her tears fell on the bowed head.

"Emily," she said at last, in a low voice, "don't tell me about it unless you want to. You know, with me, it will be as if it had never been."

For a moment there was no response save a long, convulsive shudder; but at length, in a low, broken voice, the woman on her knees began the recital of her married life, from the early discovery of her husband's vice, through the children's coming and the false hope of his recovery, to the moving, the poverty, and the final hopelessness and misery of the present.

Julia Lane, listening, felt her pity change to

wonder at the power of endurance that lay in that frail form at her knees, at a love that could be so staunch.

"Emily, Emily, how you must love him, to stand this life!" she cried, her spinster soul aghast at the degradation of the woman's days.

Emily Coit raised her head slowly from Julia's knees, and stared incredulously into Julia's face, mirthlessly, a laugh that rose into hysterical screams and sobs.

"Emily, don't; don't, Emily!" Julia Lane commanded. She sprang to her feet, and drew Emily to hers, putting an end, someway, to the laughter, born from black pits of experience. "Tell me whatever will help you, only don't, don't laugh like that."

At her authoritative manner, Emily pressed

"'YES,' SHE SAID STEADILY. 'SHE WAS THE SAME EMILY'"

whereon pity and wonder and reverence were mingled, but no shadow of mockery. For a slow moment Emily continued to gaze fixedly into her friend's eyes, a growing amazement flushing her own cheeks until the color swept her neck and ears.

"Love him!" she said at last, in a kind of bewildered horror. She grasped Julia's wrist in her hot hands. "You don't suppose I love that beast!"

As Julia's lips parted in a voiceless affirmative, Emily threw back her head and laughed drearily, her hands to her quivering face, and walked to and fro in the little room under the dim gas-light. When she spoke again, it was in a voice that no longer rose and fell in hysteria, for its tremors were concentrated in intense, still hatred. A moment before she had been like a glowing iron bar; now she was like a bar at blue-white heat. Her face was terrible; her eyes burned in her face as she articulated:

"Love him! How could I love him? He hasn't a scrap of manhood left in him. He's sunk to the lowest depths. He's lied to me, deceived

me, dragged me in the mire, ruined my life." She put her hot hand on Julia's shrinking form. "I've wished he was dead many times. I wish it when I hear his key in the latch—I wish it when he disappears down the street—I wished it to-night. Oh! I've prayed against this feeling,—don't think I haven't, don't shrink from me,—but it's stronger than I am. At times it seems my only outlet."

Julia Lane did not shrink; she put a quiet, cool hand on Emily's and asked steadily, "Why, then, do you stay?"

"For the sake of my children." A kind of ecstasy shone in her thin face. "There's nothing I wouldn't do for them—nothing I'd not endure. All that we've been through together only makes the tie closer. You've never known motherhood, Julia; you can't understand—I see you can't."

Julia Lane's look was full of quiet dignity. "I've known children; I've known childhood. Perhaps I've had a wider knowledge than you, Emily. Sometimes emotion only clouds the judgment. You won't doubt my sympathy, dear, if I ask you, in cold common sense, just what good your sacrifice has done? Is it that they love their father, that by some chance he stands to them for something finer than he is?"

The mother shook her head. "No; he may have long ago, but he threw that away with the rest."

"Just what have they gained, then, dear?"

"Gained! They've had a father, like other children. They've been spared the shame of their family history being torn open, of their father's character being generally known—for, Julia, even the minister respects him, we've kept it so secret; and, furthermore, no one can point to their mother as a divorced woman."

Julia Lane sighed. "And are these advantages all that the children gain in return for what you and they are enduring and losing?"

"He supports us," said Emily; and as they met each other's eyes they both knew that the crucial point lay here.

"Does he make a living?" asked Julia.

"No; but his father,"—Mrs. Coit hesitated—"his father helps us out. He pays the rent; he sends the children clothes."

"On condition that you live with his son?"

"Yes—a tacit understanding. In his position, he dreads scandal; it is he who helped me to keep it hidden."

She sprang to her feet and paced the floor. "Julia, the hardest thing I've had to bear is this: he knew what his son was. Frederick was a vicious man before I married him, yet his father never warned me. He has told me he kept silent because he hoped marriage would be his son's salvation. And my own father, my own beloved father, he didn't ask as many questions about Frederick as he would have asked before buying a horse. It needn't have been. It drives me wild to think of it!"

"It's really you, then, who earn the living," interrupted Julia Lane, her eyes very bright and her voice high and steady. She looked as she did when she scored the old methods of pedagogy.

"I! What do you mean? I can't earn a penny!"

"Why, this: Mr. Coit pays you to live with his son; it's that money and your hard manual labor that give your children a livelihood."

There was a long pause before Mrs. Coit, her hands clasped before her eyes, spoke. Her face still hidden, she said at last, dully: "I don't know what you mean."

Julia Lane did not answer, only waited, breathing softly.

Suddenly Emily cried out, "Julia!" in sharp alarm, then again was quiet, her face still behind her hands. At last she raised her head, and a new, strange light burned under the old mask of despair. "Yes," she said; "you're right. It's worse even than I thought. It's I who earn the living, earn it by living with a drunkard whom I loathe. It's terrible! But, Julia, don't forget, I do it for my children—do it that they may have bread."

"You don't," said Julia Lane, in a low, earnest voice, "do it to save your pride? You don't do it because you are a coward, afraid to face the world as both mother and father? I'm not a mother, Emily, but I love children. I've known hundreds of boys and girls, where you've known these two. If these children had been given to me, I'd pray for the strength and the courage to end this life—to go forth and win a home for them that should be free from shame and deception, a home where they could respect their mother, knowing that she faced the world for them. I believe such a step would be a greater inspiration to a son than this terrible sacrifice could ever be, a higher ideal of matrimony for your daughter than this ghastly union."

She wrapped her arms about her trembling friend. "Dearest, the world is full of brave women who are father and mother in one. It is a better place for their courage, a better place for their rebellion. Think, Emily, what this life has done for you. You're not the same person. It's cut you off from your family, your friends, from hope and joy. Will it be any better for the children? You're too close to them to see that they're old before their time, burdened with your mistake, cut off from the

natural pleasures of their age. Don't shudder, dear. Think what you've endured, believing it was for them. With the same quiet persistency, can you not face the future and act? Think! No longer passive, but militant, how all your old splendid qualities must come into play. The children have never known what was in you."

Emily's head was buried on her friend's shoulder, and as she paused Julia could feel the woman's tense form tremble in her arms. She continued swiftly: "Oh, my dear one, this repulsion, this hatred, will end with your life here. Perhaps they are to be respected. Come away with me, you and the children."

Emily raised her head, with both fear and longing shining from her eyes, like a child who hesitates before a first step. "Julia, you don't believe——?"

"Believe you could support the children? I know you can. Don't you work long and hard already? Come to our little college town with me. Hundreds of young people are there who need a home. Why couldn't you earn your living making one for them? I'll start you, Emily. You wouldn't work any harder, and you'd lead a clean, upright life. Think of the children, the happy days there for them, among their fellows. Couldn't you see to-night how your daughter's heart leaped at the very thought of young companionship? Can you believe they are better off here? Isn't fourteen years enough to prove the uselessness of your sacrifice? Oh, Emily, let me help you! You've lived so long in this atmosphere, you've lost your courage and your faith. I feel as if you were in quicksand and you wouldn't take my hand."

At this moment there was a slight sound at the door, and the mother and her friend instantly relaxed their grasp and turned to face Marta.

"Your cab is here, Miss Lane," she said, a wave of shamefaced apology sweeping over her strained little face.

She crossed to her mother's side and murmured: "Father isn't quite as well, Mother; I think you'll have to help me." She glanced fearfully in the direction of the stair.

Julia Lane put a hand on each of Emily's shoulders, and kissed her on her trembling lips. "Well, Emily?" she said softly and steadily.

"Oh, Julia!" The mother glanced from the child at the door to her friend, in apprehension.

"I'll be here for another day, Emily. Think it over, dear; and, remember, I'm ready to help you. Good night; God bless you."

Once in the hotel bedroom, Julia Lane sat long before the leaping flames of her gas grate, recalling each detail of the troubled evening, and sternly questioning the part she had striven to play. In the abstract, she saw herself as the meddler, the destroyer of a home; and at such moments she paused aghast at the possible consequence of her words. Then, amid contending views, she heard again Emily's phrase, oft repeated, "For the sake of the children," and she saw with startling clearness that the issue lay here. Marriage was for their protection; whatever tended to their welfare made for its dignity and beauty. She rose from her seat and made ready for bed with a deep prayer that Emily might be guided toward that end.

The next afternoon Julia Lane left the city in which the convention had met. The last to say good-by to her was the young secretary, who had brought her a last batch of letters. Miss Lane looked wistfully into her happy, ruddy young face, then bent and impulsively kissed her.

The girl smiled. "Was that all for me, Miss Lane, or some of it for the friend whom I look like?"

"Both," said Julia Lane soberly; "and, above all, for youth with its fire and courage and ideals."

"Oh, by the way," said Rosa Little, still smiling, "was the Mrs. Coit whom I know your friend? Was she the Emily you used to know?"

The young teacher waited expectantly, for Julia Lane had dropped her eyes to a note she had torn open and now eagerly scanned — a note in a fine, familiar hand, that breathed, to her thinking, a great courage, a reflection of the nature that she had once known as brave and gay.

She raised her eyes slowly to Rosa Little's, a deep thankfulness overspreading her face.

"Yes," she said steadily; "she was the same Emily. She and her children are coming to me for a while. We both feel that it will be for their good."

THE KITE

BY

"OLE LUK-OIE"

AUTHOR OF "THE JOINT IN THE HARNESS"

ILLUSTRATION BY ANDRÉ CASTAIGNE

THREE dirty and breathless soldiers scrambled painfully through a gap in the hedge on the brow of the rounded slope of the hill, and, taking out their maps and field-glasses, lay prone on their stomachs. They were so dirty that it was hard to realize that they were officers. Placing both elbows squarely on the ground, to counteract the unsteadiness of hand caused by their heaving bodies, their thumbs were soon busily twisting the focusing-screws as they directed their glasses toward a large patch of scrub away below, some three miles to the west. On a rise in this rough country, a long line of intermittent flashes could be seen with the naked eye.

The hedge stretched for some distance along the brow of the hill. About a hundred yards behind, and parallel to it, between hazel hedges, ran a country road. To the south of this point, this road — hardly more than a lane — was sunken, but just here it was flush with the ground. On the near side of it, immediately behind where the officers were lying, was an open gate, and close to this gate a young poplar tree, against which was propped a motor-bicycle. In the lane itself were a motor cyclist and a couple of orderlies, the latter dismounted and holding the horses of the party. Down below, in the direction in which the three were gazing, stretched a peaceful panorama of undulating country, fading into bluish heat-haze in the distance. The various crops gave a many-hued appearance to the landscape, the richer color of the uncut hay alternating with the still crude green of the young grain and the reddish purple of the beet-root fields. The few fleeting clouds floating lazily in the sky here and there cast vague shadows, which slowly moved over hill and dale. The white walls and shining roofs of the homesteads dotted about stood out gleaming in the sunlight, and these, with the patches of woodland, caught the eye and assisted in some estimation of distance, otherwise impossible upon the variegated background with its network of hedges.

It was an almost perfect day in early June. Yet, in spite of the brilliant sunshine, there was an oppressive sultriness in the air which gave more than a hint of a coming storm.

Far off, in the same positions they had occupied all day, hung three war balloons, motionless in the still air. They were of a curious shape, and as the sun glistened on their distended skins they had the appearance of three monstrous and bloated yellow caterpillars. Upon the youngest of the three men under the hedge they had a disquieting effect of oppression. He felt that they were the eyes of the enemy,— as, indeed, they were,— and was uneasy under their silent gaze; at times he even imagined that those menacing eyes could read not only his actions, but his very thoughts and desires.

Though the elements seemed at peace, there was clear evidence that man was not, for here and there could be seen the angry glow of a conflagration with its pall of black smoke. In places the dirty-white dust-clouds betrayed the movement of masses, though the masses were not visible, while over certain spots thick clusters of smoke-puffs, suddenly breaking out like signal-flags from the halyards of a ship, showed where shrapnel shells were raining down destruction. These puffs were of different colors; the majority were pure white, but others were of a purple and magenta hue as violent as aniline dyes. An occasional bright flash, followed by a dull detonation and an upshooting trefoil of black smoke, marked the fall of high-explosive shell.

From the clamor that filled the air, one might have imagined that the whole country-side formed one large shipyard or boiler-maker's

shop, so metallic was the sound of musketry close at hand. Every moment this body of sound was stabbed by the nearer rifle-shots that rang out separately, and broken by the occasional throb of machine-guns, the mechanical beat of pompoms, and the booming of artillery. But, to an ear used to the noise of battle, there was one fresh sound — that of the quick-firing field-guns; for, as they seized some fleeting occasion to pour out their squalls of shell, individual shots could not be distinguished in the continuous roar.

Notwithstanding this din in the air, it was difficult to see any signs of life. Of the work of man there was ample evidence; but of man himself — save the men on the hill — there was no trace. Had a curious observer, however, walked some way down the bellying slope of the hill, he would have seen the backs of a long line of infantrymen digging for dear life near the bottom.

From all this turmoil down below, the little group at the top of the hill seemed strangely detached. No shell flew screeching over their heads, no bullet sang near them — they gazed on undisturbed. At last one put down his glasses and sat up, with a grunt.

"We've been looking at the wrong place all along. We've been watching their flashes and bluff trenches on that rise. The guns are using flameless powder, and are a good deal closer — more to the left of the rough. I can just make them out, but cannot see how many there are."

"I can't see anything except the flashes which appear just where the trenches are," replied a second.

"Yes, of course; that's their game! D'you see that red and white farm?"

"Yes."

"Above that there's some water."

"Yes."

"Above that, still more to the left, on that hump covered with ——"

"Yes, yes, I have them now. I should say there were more than one battery. They don't seem to be intrenched, either; but it is hard to tell on that background."

"There are more like twenty guns there," continued the first. "You may be certain they're intrenched — they're no fools. They have shown the dummies and hidden the real implacements, which would not require much work on such a place as that — an ideal spot for guns."

"And so is this," added the third, the youngest of the three. "If it were not for their balloons, we could get a whole brigade up here unseen all the way, and suddenly open fire from behind this hedge. Even if they are intrenched, we could enfilade them and give them a bad time — enough to keep them quiet. If they're not, Lord help them, once we start!" He chuckled softly, and muttered fervently to himself, "Yes, Lord help them!" He was a gunner.

He stared for a minute at the nearest balloon, silently and in deep thought; then, taking off his hat, began absently to mop his head. Suddenly he stopped quite still, his head turned to one side, as if listening.

"My God! it *is* rising!"

The two gazed at him in blank amaze, and, startled, at once seized their repeating-pistols.

"The wind, I mean — the wind. I feel it on my damp head!"

They still looked blank.

"Don't you see? If the wind only rises, down go those cursed balloons, and then ——"

There was no need to finish the sentence. The others jumped to their feet. One sucked his finger and held it up; the other picked a puff-ball and threw it in the air; all watched it gently wafted up the hill.

"Yes, look over there; that's more than haze — it's cloud!"

Toward the west there was now a low bank of gray cloud stretched across the horizon, against which the intermittent flashes showed bright.

"Whistle up the cyclist!" snapped out the oldest of the three, sitting down with note-book and pencil.

As the cyclist came up, he said: "Take this as quick as possible to the General of the Tenth Division: he must be found. But if, on the way, you get near the officer commanding the Corps Artillery, show it to him and say I want him to read it."

After a minute they heard, as they got up, the snort of the motor breasting a rise on their left; and after three minutes there was nothing but the reek of petrol to show that any one had been on that hilltop.

They had gone, and no one had noticed two small scoops in the ground — one under the hedge and the other farther along near the road — where ranging shell had fallen.

II

The wind has risen with the coming storm, and, above, the white clouds begin to chase each other across the blue sky. Out in the open and on the hilltops the trees are stricken by gusts of wind which rob the hawthorns of the last of their bloom. In the sheltered valleys there is peace and quiet, and under the lee of the hill the sultriness of the whole morning seems to have been concentrated.

The artillery brigade has now been waiting

for some time in that hollow lane between the high banks covered with wild flowers — long enough to breathe the panting gun teams, and for some of the gunners to dismount and pluck dog-roses, which they have stuck in their hats.

The still air in this little heat-trap, heavy with the smell of horses and the overpowering scent of May-blossom strewn on the ground, combined with the drowsy buzzing of the bumblebees,— the gentle murmur of a hot summer's day,— has a somnolent effect on all except the animals, as they stand there, zigzagged across the lane, the guns and limbers slewed to ease the strain. They present a succession of shiny, quivering skins, and tails switching in a vain endeavor to drive off the hovering swarms of flies that divide their attention between the backs of the men and the horses.

Though there is no conversation, for the men — here and there chewing a biscuit or taking a sparing drink from their water-bottles — are all tired, there is a general air of pleasurable expectancy, for the nature of their present errand is known to all. It is their first experience of active service, and the event now awaited is to be their baptism of fire. In the minds of the more serious, a slight though vague feeling of apprehension — running like the colored thread through the lay of a rope — adds zest to their suppressed excitement, for many and wonderful have been the yarns going the round of the barrack-rooms as to the powers of the enemy's quick-firing artillery. Here a more phlegmatic man has lighted his pipe and wastefully thrown the match away, to burn to the end among the nettles on the bank — a thing that alone is sufficient to show that these are the early days of operations.

How the sun's rays pour down between the trees! How mercilessly they betray, even through the cloud of dust still hanging in the air, a hint of the more unpleasant side of war! — the weary and lathered horses, the red and strained faces of the men, their peeled noses, the little runnels made in the grime on their cheeks by the perspiration as it streamed down, the purple sweat patches in the greenish-yellow uniform. Now and again, as if maliciously to accentuate the contrast between its dainty self and the crowd of men and animals sweating below, a pale butterfly flits aimlessly in and out of the shadows — sometimes nearly, but never quite, settling on a horse or gun.

The windings of the lane permit a view of only some hundred yards of its length at one time; but even this short distance offers an impressive sight. It is apparent, in spite of the dust and dirt, that the greater number of these men — some still on their horses, some standing, and some stretched out on the shady side of the road — are seasoned and in the prime of life; no mere boys, but men in the best sense of the word, sturdy and full-set. Even for gunners, they are a fine lot; and, during this lull preceding the coming storm, the sight of this little collection of splendid men and horses raises thoughts as to whether any other army in the world can produce their equal.

Both men and animals are the last word in continuous training and scientific preparation applied to picked material. Not only are they good to look upon, but they are good in action. From the showy prettiness of a tournament driving competition, to the serious business of getting on to the target, they excel. For here, at this moment, are collected the smartest brigade of field-artillerymen in the army — and that means, as they think, the smartest brigade in the world. They are armed, also, with the best guns in the world. There stand the guns, slewed, one after another, across the narrow road, almost blocking it with their length. Wicked they look in their dusty greenish paint, with an occasional glint of steel where it has been scraped off. Even to the uninitiated, these quick-firers have a more venomous appearance than the simple old guns; for, with their long, low-hung bodies peering mysteriously from behind their shields, they look like monstrous grasshoppers crouching on the hill. Ugly and venomous-looking, they are the pride of their owners. Though he may not talk much about it, never has there been a true gunner who did not love his weapon and thrill with the idea of using it.

To these, now a little thoughtful on account of the legends concerning the enemy's wonderful quick-firing artillery, the sight of their own, whose powers they have so often tested on the practice-ground, is reassuring. They have the best gun ever invented, and at speed of ranging and accuracy of fire they are unequaled. What more? Are they not going to catch the enemy unaware? And to be caught unaware by a squall of shrapnel from modern quick-firers means extinction.

To the officers the exact nature of the present task is known, and the possibilities of the occasion better appreciated — for, though as yet without personal experience in war, they know to what a pitch all the nations have brought their quick-firing artillery, and what is expected from its "*rafales*," "*tir rapide*," "*schnell feuer*," — call it what you will,— upon an exposed and unsuspecting enemy. They are standing alongside the horses, one feeling his animal's legs, another loosening a girth, but the majority cheerfully talking in little groups.

At last the dreary wait is over. A flag flickers from one hill to another. "The enemy's balloons are down." With a sigh of relief, the order is passed, and the brigade moves on, slowly at first, then breaking into a trot, for its destination is still some way off, and time, tide, and the chances for quick-firing artillery wait for no man.

The message has come down from the youngest of the three officers who were making the reconnaissance under the hedge two hours ago. For the past hour he has been watching those malignant balloons from that same spot, and whistling for the wind. As the wind has risen, so have his spirits. It is a difficult thing to gage the height of an object in the air, and several times he thinks that the balloon nearest the enemy's guns is lower than it was, only to find out that he is wrong.

The cloud-bank to the west grows larger, and, as its ragged edge creeps up over the blue sky, the dark background shows up the glistening balloons the more brilliantly. The two farthest off are coming down — there is no doubt about it; and at last the nearer one seems lower. Yes, it is! Down, down it sinks. When it is quite close to the ground, he waves to a signaler behind the road, who passes on the message, and so back it goes to the waiting brigade.

He crawls behind the hedge for a moment to watch the range-takers, who have been up here for the past half-hour, and have taken and checked and re-checked the distance to the enemy's guns. Some men with tools, also, who have uprooted the gate-posts and widened some openings from the lane on to the hilltop, are now cutting little windows through the hedge on the brow. A few officers arrive ahead of the batteries, and to these he points out their positions and the target and range.

All is ready, and the head of the column is even now jangling up the hill.

III

The same landscape as was watched by the three under the hedge, but viewed from the other side. In the foreground, half hidden among the patches of gorse on a gentle slope, is a long, irregular line of perhaps twenty guns. It is difficult, even at this short distance, to count their number, for they are dotted about here and there among the clumps of cover. Though of a grayer hue, they have a strong family resemblance to those others resting in the little lane on the hillside. By each stands a water-bucket, the purpose of which is shown by the damp earth round the gun, and the absence of dust. Alongside, also, are little shelter-pits dug for the gun detachments, the bright yellow of the freshly turned earth artfully concealed with pieces of bush. The guns, the limbers, and the very horses themselves — over there in the rear — are embowered in greenery. The incongruous Jack-in-the-Green appearance thus given to these engines of destruction seems at first ill-timed foolery. It strikes a jarring note, like laughter in the presence of death. Overhead, to one side of the line of guns, a huge yellow balloon sways in the rising wind and strains at the cable that slants away down to a small collection of wagons in a convenient hollow.

To the general din of battle all around is periodically added the roar of some of the guns in the line, as a target worthy of a *rafale* of shell is found. The paroxysms of noise indulged in at intervals by these quick-firers are the only sign they give of their action, for they neither belch out flame nor kick up dust. Each fresh outburst seems to call up an echo from the direction of some absurdly ill-concealed earthworks about half a mile to the rear.

The enemy are shooting badly. Few shells fall near the guns, though many pass over, with a shriek, to burst in the neighborhood of those conspicuous earthworks, whose parapet must be a very shell trap, so continuous are the explosions on it. An occasional heavy shell rumbles up from the south, and, passing over with the noise of an electric train, detonates in a fountain of yellow earth near the same target.

Near the focus of these explosions are a number of men sitting at the bottom of deep holes, and from their occupation it appears that not all the explosions so close to them are caused by hostile shells. They are busily employed in setting off flash bombs just outside their yellow parapet whenever their own artillery fires. And as two more shrapnel from different directions whistle high above the much-decorated guns, and burst over the pits, it is clear that the latter are the targets aimed at.

This is the method in the madness of these troglodytes in their pits and of the other stage effects.

Some little way from his guns is a dried-up, saturnine sort of man, dirty, and anything but smart — the commander of the artillery. He is talking to a staff officer, with occasional pauses as he stoops to gaze through a telescope mounted on a tripod — not to the southeast, in which direction his guns are firing, but toward the hills to the east. Close by sits another officer, at a field-telephone in a hole in the ground; such work is at the present moment too important for an orderly. From the instrument a cable, sagging from one bush to another in loops, leads toward the wagons near the balloon

anchorage. This cable is the nerve leading from the eye up aloft to the nerve center below. A few soldiers are sitting about. Not only do these men wear a different uniform from those other gunners now perspiring on that hillside, but they are unmistakably of a different race.

The commander again takes a long look toward the hills, where something seems to excite his apprehension; for he converses earnestly with the staff officer, and the two look more than once toward a poplar tree the top half of which is visible above that hill on the east. The wind increases.

The distant balloons are already gradually descending, and a message shortly comes down from the observer above that it is too windy to remain up. The word is given, and slowly the great mass is hauled down to the depression near the wagons, where it is practically hidden, its approach to the ground being the occasion of special attention from the enemy. Here, like Gulliver among the Lilliputians, it is seized by many hands and bound.

Hardly has it nestled, with much heaving of billowy sides, into its hollow, when the eye is attracted by something dancing up and down amid the brushwood close to it. It is an oblong framework, partly covered with dirty gray canvas, which has begun to make sundry abortive little swoops up into the air, ending in abrupt dives down again to earth. Finally, this weird kite — for kite it is — makes up its mind, and sails steadily upward to the tune of its whining cable-drum. Up, up it goes, holding well in the strong breeze till it becomes a mere speck in the sky. Another kite follows, then another, and again one more, threaded on the same cable, till, with the combined pull, it is stretched as taut as a piano-wire, and hums in the breeze like the weather mainstay of a racing yacht.

The Commander walks over to the starting-point of the kites, where, sitting near an exaggerated clothes-basket, is a young officer. He is unshaven, his face is pale and drawn, and he appears worn out as he sips slowly from the cup of his flask; but as his senior approaches, he rises, salutes, and listens attentively to his somewhat lengthy instructions. He is an exceptionally slight man, and his general air of fatigue is explained by the fact that he has been observing from the balloon for the last three hours; the dark rings under his eyes show where the constant strain has told most. In spite of this, he is again to go up in the kite — not because there is none other capable, but because the advantage of having up aloft a pair of eyes that already know the lie of the country is at the present juncture of greater importance than the fatigue of any man.

As the Commander concludes his harangue, a shell bursts on the ground close to him, covering him with sand. Not pausing to shake off the sand, he finishes his sentence: "Of course, it is a chance, but they *may* not notice you go up against this cloudy background, and may be tempted to take up that position by seeing the balloon go down. If they do, well ——" And he looks toward his guns and smiles thoughtfully.

The younger man nods, takes one more pull at his flask, feels for both pairs of field-glasses hanging round his neck,— he carries two,— straps a telephone receiver and mouthpiece round his head, and climbs into the clothes-basket, which is held by the men. The basket is attached to the rigid kite cable by runners. After the gear is tried, another large kite, which is harnessed to his prosaic-looking chariot, is thrown into the air. Making one or two ineffectual dives, it catches the wind and begins to pull. Slowly, at first, the observer rises, then faster as the great wings above him catch more of the breeze. Now they feel it, and up he sails like a pantomime storm fiend, to the accompanying moan of the wire vibrating in the wind. In a few minutes he is a stationary spot far up on the slanting wire.

How insignificant, in contrast to the great bulk of the balloon, the whole collection of kites appear! Yet — the eye is there.

IV

The commanding officer goes back to his station by the telephone, and waits. *Prrrrrt*, grumbles the instrument, and this time it is he himself who takes the receiver. He listens attentively, for it is difficult to hear along an aërial line, and there is much repetition before he finally replies "All right!" to his subordinate up above. A word to a staff officer, who at once waves to some one near the guns. Then ensues much activity. Within three minutes every muzzle has been switched round by hand so as to face the hills on the east, at half a right angle from its former direction. The gun-layers at once start laying at the range obtained by those few shots fired some hours back, and buckets are emptied on the ground; but no effort is made to dig shelters, for they will be unnecessary. The exposure of the new position is ignored, as well as the loss incurred in taking it. When all are at their stations, ready to open fire, a whistle sounds.

The suppressed excitement is catching. That the Commander himself is not unaffected is shown by the manner in which he ostentatiously, and with almost too great deliberation, selects a

"THE AIR ABOVE — ALL ROUND – IS FULL OF CRACKLING REPORTS, SHOUTS, OATHS, AND GROANS"

cigar from his case and begins chewing the end of it. . . .

Prrrrrt, rattles the telephone; the Commander drops the chewed cigar and listens.

"Are you ready?" gurgles down the wire.

"Yes."

"The head of their column is not far off the poplar tree."

A pause.

Meanwhile, on the hilltop, the watcher has again sat down. Now that there is nothing in the sky to watch, he sets himself to study the enemy's guns, among which he seems vaguely to discover some movement. Can they have suspected anything? As he sweeps his glass carelessly across the gray cloud toward its terrestrial object, something — a midge, probably — in the upper corner of the object-glass catches his eye. He puts down the glass and rubs the lens with his handkerchief. He looks again. The midge is still there. He looks directly at it: it is a collection of midges. Good God! These are no midges — they are a covey of war-kites high up in the sky! Yes, and there is the observer, hanging some distance below, who must have seen all!

By this time two or three guns have turned out of the lane and are unlimbering.

He rises and tries to shout — it is too late.

"Now they're turning out of the road, through three or four gaps, to come into action — now two guns have left the road — hullo! — are you there?" continues the thin, metallic voice down the wire.

"Yes."

"Let them have it."

The Commander, from his lowly position, looks up and nods to a signaler standing up on a mound. The latter drops his flag.

The air is split by the noise of the whole line of guns as they open rapid fire. It is like the report of one piece prolonged into a continuous long note.

Upon the brow of that hill of doom, hiding the sky-line for perhaps four hundred yards to the right of the now obscured poplar, appears a crown of magenta-colored smoke, out of which a succession of light flashes sparkle.

By those up on that hill is heard a faint roar in the distance, followed by a whistling sound; and the air above — all round — is full of crackling reports, shouts, oaths, and groans. Bullets tear the earth on all sides, and the steel gun-shields ring out like gongs under their blows. Everything except the dreadful sounds becomes blurred in the puffs of acrid, tinted smoke that the wind drives across the hilltop.

In a minute, automatically, the fire ceases — a long period for quick-firing guns which pour out fifteen shells a minute, and much ammunition; but this is an opportunity given by the gods.

The Commander puts the telephone to his lips:

"Hullo! Is that enough?"

"Wait a minute. My God! It is."

V

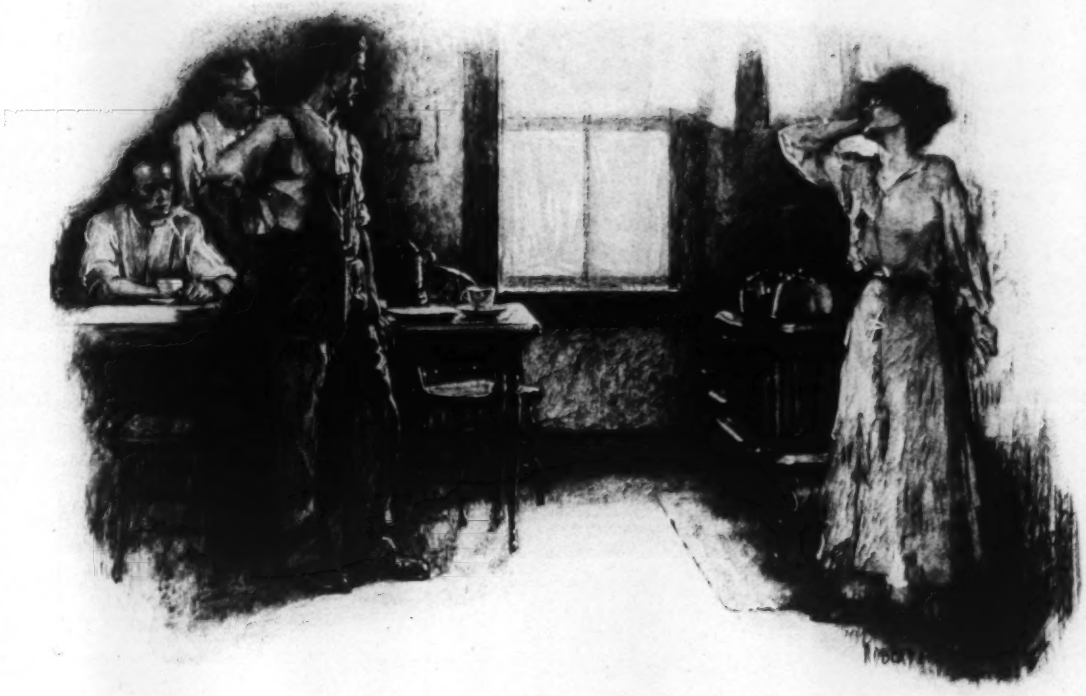
Not one return shot has been fired.

The smoke is dissipated by the wind as soon as the squall of shell ceases, and the scene of the butchery stands revealed.

Behind the hedge are three guns, unharmed except for splintered wood. Their green tint is all mottled with oval patches of shining silver, plated by the metal of the glancing bullets. Men are lying about singly, nearly all wounded in the head and nearly all dead. A few who still crouch, paralyzed, behind the shields seem unhurt. Horses lie tied together by their harness in kicking, screaming bunches. At the gateway is a tangle of capsized gun, limber, man, and beast, which entirely blocks that part of the lane.

This is an abattoir better undescribed in detail — a medley of dead and dying men and animals, and of vehicles jammed into a solid mass. At intervals guns lie upturned or wedged across. The mass still struggles and heaves. Here and there drivers have half succeeded in driving their guns up the bank, in a gallant attempt to get out of the shambles, with the result that the horses lie dead on the top, and the guns lie overturned in the hollow. A few unharmed and dazed officers and men still shout orders, and shove and push at the guns. There, where an ammunition-wagon, hit direct by a shell, has exploded, is a cleared space. Branches and twigs are splintered in all directions, and the shrapnel balls have stripped the leaves from the trees and scattered a spare shower of green over their handiwork.

Though at least one of the shells has not burst exactly; for on its back, under the hedge on the brow of the hill, lies the headless body of the young gunner officer — the glasses still in his left hand, a handkerchief in the right. Yet, as the small voice had squeaked down the telephone wire five thousand yards away, it *is* enough!



"'NAW! SWANSKY WAS KILLED WITH HANDS!'"

AT BRADY'S

BY

MARY HEATON VORSE

AUTHOR OF "MRS. M'CLANAHAN, THE CHINESE LAUNDRY, AND BELLER," ETC.

ILLUSTRATIONS BY ROBERT EDWARDS

WHEN it happened, I was learning the business by beginning at the bottom. I was a great, husky brute just out of college — or, rather, just off the football field, for, to me, college meant football. Besides football, I had absorbed a few vague sociological theories, which I suppose was what made me tell myself that I'd get a better grip on the men if I lived for a while as they did; that's what I told myself, but I really did it for the adventure of the thing. I felt rather puffed up because nobody saw through me, though why I should I don't know. Put a pair of dirty overalls on a man and set him to work in a rolling-mill, let a day's beard get on his face, and when he has sweated good and plenty his college education's hidden fairly well.

I learned about people fast enough, and learned — the way every one does who learns at all — by finding out how little the human animal acts in accordance with tradition; how, under the pressure of the stronger emotions, he feels and acts differently from what we have been led to expect.

Leon, my foreman, took a fancy to me, and had me go to board with him at Brady's. Leon was a big fellow, with eyes like blue flames. He was liked for his unbelievable simplicity, and respected for his fiery temper. Indeed, his temper had the sudden and unreasoning quality of a lusty baby's — though, when a baby weighs

nearly two hundred pounds in packed-down muscle, and uses all his strength without realizing what this strength is, he may become dangerous.

I remember with a great wealth of detail how the room looked that night at the Bradys'. There sat Lotta, Brady's wife, slouching across the table, which she had cleared with a neat thoroughness that was a perpetual surprise to me, so at variance was it with her smoldering, slouching, down-at-the-heel beauty. Devil-spawn — that was what I called Lotta then, having yet to learn that, as life is diverse, the individual is no less so, and may at different times turn to one diverse faces. Lotta was one of those ill-begotten crossbreeds that the odd mixture of aliens in this country brings forth. Her father was black Irish, County Cork, and her mother, they told me, a dago — Sicilian was what she really was, I learned later, and there is a wide, bitter sea between the island and the mainland. Lotta walked as if the bog were continually sucking at her slovenly heels; she held her head as erect as a caryatid. From her dusky face, cut like a Carthaginian coin, she perpetually pushed back disorderly witch-locks of Irish hair. She had the quick Irish wrath that makes the sons of Erin break one another's heads for the sheer joy of anger, and the calculating Sicilian vengefulness.

I tell you that I was young and romantic, which perhaps was what made me imagine Lotta plotting from year-end to year-end to wreak her wrath on some enemy, and, when the hour of her reckoning came, I could imagine her in the fierce, joyful flare of anger, slaking her hate as remorselessly, as simply, even, as the thirsty man drinks.

This evening, Lotta lolled across the table, and in a slow, colorless voice that had a haunting foreign accent — for Lotta had been brought up among Italians — she indulged in her favorite game of baiting little Tim Brady.

Don't ask me why Lotta married Tim. Why does anybody marry anybody? Why Tim married Lotta was more obvious. She had undoubtedly flaunted herself in his eyes, the way she had flaunted herself in the eyes of any man she had met — and then hated him for having desired her. Thus did Ireland and Sicily perpetually fight in Lotta. She hated passionately the passion that she consciously aroused — hated it even more than she resented not arousing it. She loathed Swansky for having responded to her call. No one could say that Lotta was playing the game fairly — to lure people, and then desire keenly to destroy them for desiring her.

Now, as she lolled across the table, rousing the temper of her lord, she was conscious that Swansky never took his eyes from her. Swansky just sat still and watched Lotta. He would have been good-looking but for his long, yellow fangs and for the expression that gave him the nickname of the "Mean Pole." He let his eyes travel over her as calculatingly as some one inventorying the points of a creature he intended to purchase.

Leon watched Swansky less overtly, no less intently. Blue fire flickered in his eyes, though his great length was stretched out, relaxed; for Leon wasted no effort in unnecessary tenseness.

Occasionally Lotta threw a glance at Swansky, a glance as taunting as the words that she spoke to her husband in her gentle, razor-edged tone, a glance that dared and defied, provoked and insulted, meeting his unwavering gaze squarely, measuring the insult of his look with the insult of her unspoken reply. The quick look she gave Leon from time to time — and which he did not see, being occupied as he was with Swansky — was as shy as that of a little girl coming tiptoe into a room were she hopes she is wanted but is not sure.

The whole atmosphere was like a jangling stringed instrument, untuned, but keyed up to the highest pitch. It was Lotta who had strung it up like this, and Lotta who drew out jangling noises with I know not what perverse satisfaction. It had even set my nerves on edge. The only person who escaped was Mikey Hurley, who, with the face of an Irish cherub, and with eyes turned heavenward, his chair tipped far back against the wall, his feet on another chair, serenely played an accordion and added orchestra to the drama. And the background of it all was a sizzling hot kitchen, furnished principally by an able-bodied cook-stove and a conscientious-looking sink, a kitchen as spotless as it was commonplace.

Stung at last beyond the breaking-point, Brady jumped to his feet, muttering something. He had a futile, flash-in-the-pan kind of anger.

Lotta narrowed her eyes.

"Swear at me," she said evenly. "Swear at me, do, before everybody." Her eyelids drooped; a glint of menacing onyx was all one could see between them.

Swansky laughed shortly, laughed like a jackal. Lotta's anger tickled his nerves pleasantly.

Leon rose to his feet; his eyes shot blue flame at Swansky. He made me think of some northern god about to rid the earth of an ignoble thing through the sheer force of his wrath.

"Now you've sworn at me, Brady, come on and hit me! Do it up brown for once, Brady," came from Lotta. She twisted her head ever so slightly and smiled at him. There was some-

"'KEEP ME, CHERISH ME, FOR I LIVE ONLY THROUGH YOU'"

thing so malevolent in her jeering anger, it is no wonder that I then called her "devil-spawn." She pushed back the hair that fell into her face. Swansky barked again.

"Some men would kill you for this," he said in his thick English. Lotta turned on him a dazzling smile.

"Shut your head!" she said. "No one spoke to you." Her tone was exquisitely polite.

"God, it's hot here!" said Leon. "Come on, Brady; we'll have a drink. Come on, kid!"

They stood aside to let Swansky leave the room, for he, also, had reached for his hat. Mikey Hurley, oblivious of all that had happened, played us out of the room.

Lotta did not move. She drew pictures on the bare table with her finger, and flashed one maddening look at Brady. Only I saw the shy look that stole, as it were on tiptoe, after Leon.

We were at breakfast next morning, Mikey Hurley, Leon, and I. Lotta was baking griddle-cakes. She was in good spirits and jollied Leon pleasantly.

"Where's Tim?" asked Leon.

"Search me," Lotta responded airily. "He didn't come in last night." This fact evidently gave her some perverse satisfaction.

"When he does, he'll catch it," I reflected. Then my thought was crashed into as if by some falling object. A boy catapulted, panting, into the kitchen. Lotta turned on him in a fury, her mouth open to volley injuries at him. It stayed open, to change its expression, oddly, from anger to horror.

"Swansky's killed," the boy gasped. "He's been murdered. His head's near hammered offen him on a stone." He spoke with a savage relish in the affair. He had run until his breath came rasping, that he might be the bearer of the news.

"Where'd they find him?" I heard myself asking.

"Was he dead long?" came from Mikey Hurley.

Eagerly the lad babbled details, then fled on to speed the tidings. A curious stillness settled

on us. Lotta stood as if turned to an absurd waxwork, her cake-turner in midair, a griddle-cake neatly balanced on it. Leon shuffled uneasily and looked at his plate, as if deeply embarrassed.

It was Mikey Hurley who broke the silence, asking, with rare tact:

"Say, Lotta, do you think — Brady ——"

She let the griddle fall with a clatter that made me jump like a nervous cat.

"Brady!" she cried. "Brady! Naw! Swansky was killed with hands! How could Brady kill Swansky with hands? Swansky would 'a' broke him in two like a grasshopper. Oh, I wish to God he'd done it!" Upon which, Lotta, being overwrought in her nerves, sat down and wept.

I interpreted her speech to mean that she wished she had been married to a man with enough prowess to have murdered Swansky because of the insult that Swansky's calculating scrutiny had put upon her. Lotta knew, just as Leon and I knew, that Brady had been too occupied in sucking his own sore paws to notice Swansky.

It's queer how much more important a man like Swansky gets to be after he's dead — when he doesn't die in his bed. Now, there wasn't any one in the shop that wouldn't have been glad to have him out of it; yet, when they found him in the road back of the scrap-pile, with the back of his head very much knocked in on a stone, the rolling-mills and the saloons didn't talk about anything but Swansky, and who killed him. They didn't waste any sentiment on him. No one would say anything about Swansky, only that he was mean. Swansky the Mean Pole, he was before he was killed and afterward. If you have ever worked along with Slavs and Poles, you'll know what I am talking about. You'll find one of them, now and then, that will set a whole shop by the ears. They won't say much — just drop a word or lift an eyebrow: it will be enough to make every last Irishman in the crowd fighting mad.

Naturally, the police tried to put two and two together in Brady's disappearance and Swansky's death. We had all been at Halloran's that night — Leon and myself, that is, and Swansky, though we had not spoken. Brady had not been in the saloon at all. He had just stepped out into the darkness and vanished. That's all we had to tell the police — that, and that Swansky and Tim Brady "got on," and that Swansky had been only a few days in the house. They stopped bothering us pretty soon, and I guess they stopped looking for Brady, for the death of a Mean Pole don't count much when there's no widow or kids to make a kick about it.

It was about two weeks after this, one Sunday, that Leon and I took a trolley car to a picnic park. We sat apart, near a little stream in which children dabbled and on whose surface egg-shells curtsied and bottles bobbed grotesquely as if begging the picnickers who had thrown them in the water to rescue them. Since Brady's disappearance, Leon had worn rather a preoccupied, ruminating air; his eyes had been very mild. I took it that he was turning over the whole affair in his mind. We sat in silence a while. Snatches of song came to us, the noise of children laughing and crying, the shrieking and giggling of girls as they ran away in pretended fright from their boy friends. Perspiring women lugged stolid babies, or dragged children by the hands back and forth across the grass. In the distance, the merry-go-round gave forth the music of "La Spagnola," that Italian song whose melody is so curiously reminiscent of "The Bowery."

In this jumble of commonplace noises, I opened my mouth to say: "I don't believe Brady killed Swansky."

I remember that I spoke with a certain positiveness that must have seemed convincing to Leon; for he flashed a curious glance at me that made me wonder if he knew anything; and so, by way of drawing him out, I used the simplest form of the third degree — I had read about the way to do it in the papers. Staring at him, I asserted, with a meaning in my voice that I didn't feel:

"You don't, either, Leon."

"No," he echoed; and, after a slight pause, "No, I don't, either!" Then he said, "What makes you say that?"

"The same reason that makes you," I fenced craftily.

"Oh, speak out," said he; his manner had not changed a hair's-breadth. "Did you follow me out, that night?"

I had not remembered that he had left the saloon; now it vaguely occurred to me that he had. But I answered, "I might have," wondering what was behind it all. Not a suspicion of the truth flickered to me, even then.

"If you seen anything, tell me," he said. He did not even look around to see if any one was listening; it was I who made sure that we were not overheard.

"You tell me what you know first," I temporized.

"Why didn't you go to the police?" he asked me.

"Why didn't you? I didn't want to get mixed up with it," I answered.

At this he laughed.

"I didn't want to get mixed up with it," he echoed. "You see, I thought about it a lot.

"'BRADY WAS NO KIND OF HUSBAND FOR LOTTA'"

I thought about it all that night, and ever since." He paused. "They say, when you kill a person, you got to tell somebody once. I don't mind tellin' you, kid. You see, I didn't mean to kill him, so that's the same as if I didn't kill him."

I suppose at these words I must have changed color; I know my heart gave a queer big thump as if it suddenly filled my chest to bursting, and then pattered away against my ribs in an uncomfortable fashion.

"So," he murmured, "you weren't sure, were you, it was me?"

"No, I wasn't sure," I told him.

"You just saw some one bigger than Brady walking away — from it," he brought out.

"That's all," I faltered. I couldn't bear to tell him that I had so easily filched from him his secret.

"You didn't go down to see what it was? Of course you didn't, because you was in the saloon when I came back."

"I only knew who it was next morning."

"Well," said Leon, "I never went out to kill Swansky. I was walking along, sort of looking out for Brady,— when Lotta makes him mad, sometimes he goes off that way,— an' Swansky come along; he must 'a' followed me.

"'Good evening, Leon,' says he; 'you've got fine blue eyes to stare with.'

"You know how he talked, like something thick and nasty running out of a barrel. I just lost my temper — you know, I've got quite a hot temper." He looked at me like a little boy confessing a fault. "I went for him!"

I could imagine his "going" for Swansky. It must have been like the onrush of an avalanche.

"We clinched; he fell; I fell on top of him, and his head was smashed on a stone. All smashed! When I saw how smashed, I saw there was no good doing anything."

"Then you came right back to the saloon?"

He nodded gently.

"I wanted to wash my hands, and I wanted a drink — I wanted a drink bad. It shakes you when you kill something like that, even if it's a Mean Pole."

His simplicity had served him better than any ruse. He had done the ideally right thing. He had washed his hands and taken a drink; and, being shaken, he had felt the need of human society, and had stayed quietly with the rest of us, and gone home with me.

He didn't even ask me not to tell. He told me with the same simplicity that he had acted, looking at me straight, with serene young eyes. He took it for granted that I judged him as leniently as he judged himself. A regrettable accident, the killing of Swansky had been, for which he was no more to be blamed than if he had inadvertently smashed Swansky's head by letting a brick drop on it. It was not, he claimed, like happening to kill anybody you were fond of. Still, he admitted that it was an awful lesson to

him. He remarked gravely that he should keep his temper better in future.

"I'm glad you feel like I feel. I thought anybody'd feel like I feel, but there's some things it's nice to know. Of course, I know how Lotta feels. I'd almost like to tell Lotta," he said wistfully, "but I guess it's just as well that as few people know as possible."

I agreed with him, helpless in the face of his innocence, that it was better. I was helpless, too, in his failure to follow the literary tradition. He was not feeling any of the things that both the literature of the newspapers and the literature of books had led me to suppose that the murderer feels, even when he has murdered by mistake. Calm and tranquil, passive and self-forgiving, was Leon. He did not fear the sight of his blood-stained hand. He had looked the matter over, and had then, apparently, said to the heart of the universe, "I didn't mean it"; and the heart of the universe had answered back to him, "I know you didn't," so peace was his.

"But what," asked Leon, "do you suppose has become of Brady?"

"I suppose," said I, "that he may have lit out for the night because he was tired of Lotta's nagging, and then read about the murder in the paper and saw they were looking for him."

At this Leon's face grew troubled.

"I'd hate to think I was keeping Brady out of anything," he said. He ruminated a moment. "Brady was no kind of husband for Lotta."

With which I agreed heartily, but wondered to myself just what kind of a man would be.

In the next few days I got a vague inkling of this. With the irritation of Brady's presence removed, and with Leon, as Brady's friend, a sort of unofficial head of the house, I had strange glimpses of a different Lotta. Instead of gnawing on herself, as she had always seemed to me to be doing, and then making others pay for her own suffering, I saw a different creature steal forth — a shy, appealing somebody; this for Leon, however. She treated Mikey Hurley and me to a broadside of her indifference — we had failed to respond to her charms.

I was too occupied with myself to spend much time on Lotta. I'm ashamed to say it, but I felt that the situation was becoming intolerable — Leon's placidity had in it something monstrous. I'd have felt it more than that if I had killed a man by chance on the football field. I remember the sickening noise a fellow made that I tumbled on top of and knocked the breath out of once. And Leon had killed in anger. No, I could not sit there and watch him enjoying life, his conscience as much at rest as that of a sleeping child. I suppose that is what education does for one. I couldn't get rid of the thought of his simple words that he wanted to wash his hands, after he discovered that Swansky's head was so very much smashed.

Lotta, too, got on my nerves. Hang it, after all, a woman's husband is her husband; and Tim Brady had been a good husband. He didn't drink. To be sure, his was not a high grade of efficiency, nor was he a heroic figure of a man. A little anxiety as to the whereabouts of her lord would have been becoming in Lotta, especially as, the last time she had seen him, she had fairly baited him out of the house. If she'd gone wild with anger, it would have seemed to me the human desire to justify herself; but apparently she felt no more need of justification than did Leon. As far as Lotta was concerned, there might have been no Brady at all. No; decidedly, the two of them got on my nerves — Leon, the inadvertent murderer, who with such placidity had dismissed the untoward adventure from his mind; and Lotta, the deserted wife, who made no more outcry about her desertion than if Brady had been a yellow pup that chance had brought to her kitchen for a night or two, and which had then wandered on.

What I wanted, to relieve the situation, was some outward sign of emotion — some gloomy brooding on Leon's part; I wanted Lotta to take some notice, any kind of notice, of Brady's abrupt departure.

I came into the kitchen one night, and there sat Lotta and Leon on the kitchen stoop. Lotta was mending something; Leon sucked at his pipe. His extraordinary eyes were two calm lakes of light; his hand rested on his great knee. He was perfectly contented with the world, and contented to be near Lotta. There was something about their happy quiet that sickened me. They appeared so domestic — yes, positively domestic. Swansky was dead, and Leon had done it; and he sat there and sucked his pipe. Brady was wandering around the earth, sent away from home and friends by Lotta's intolerable devilishness; and she brushed her untidy hair out of her eyes, and sewed, and shot shy, maidenly glances at Leon.

Instead of admitting my squeamishness, I invented for myself the story that I had got everything out of this special experience that was coming to me, and cleared out. I got a job, a better one, in a place quite a distance away. A different class of men were working in the mills, the older ones almost all of them Welsh this time, and a lot more American-born.

One night, as I was going home from work, suddenly a man who was about to pass me stopped and slunk into the shadow. If he had gone on I shouldn't have recognized him, but

the light from the street-lamp struck his face for the fraction of a second. I went up to him.

"Hallo, Brady!" said I, and put out my hand. He shook it — ill at ease, I could see. He had a hunted air, an air of conscious guilt that would have convicted him before any enlightened jury.

"What are you doing here, Brady?" I asked.

"I'm here because of the mill," he simpered. "It seemed kind-a homelike!"

For a second I understood the roots of Lotta's contempt for him. It was the one place in the world where an inconspicuous chap like Brady ran the risk of being recognized, just as he had been by me; for there is always some shifting of workmen in a special trade like this. Then he said to me, in a low voice:

"Say, kid, I didn't kill him. Honest to God, I didn't!" He looked so futile, such a poor creature of a man, that it made me laugh, the idea of Brady's having killed a hulking, yellow-fanged brute like the Mean Pole.

"I know you didn't," I answered.

"How'd you know?" he asked. "D'you know who did?" was his next question.

We fenced around a while, and presently I became sure, from things he let drop, that he knew all about the affair. I snared him with as little effort as I had Leon. Perhaps they do it better when they are guilty, or when they're up against the police; but the application of the third degree is not the dread psychological process that it's supposed to be, if people are like Brady and Leon.

"What made you run off, Brady?" I asked. He stared at me, round-eyed.

"Why, you know, I'd seen him do it — I seen him; and I was afraid there might be some clue about it and I'd be called on for witness — I'm the only witness, you know. Then I heard they wanted me, and I got scared. If they got me, why, Leon'd have to confess, you see, or I'd have to squeal!" It was as simple as two and two.

We sat on a pile of sewer-pipes, I remember, which was in the peculiarly black shadow that electric lights cast, and Brady babbled out his story, beginning at the very beginning — babbled like a man who has been alone on a desert island, uncloaking his poor little soul to me in a way that, young as I was, sent a shiver through me. It's your unutterably commonplace man who, if he lacks self-consciousness enough and talks enough, gives you your picture. He piles up detail on detail until you have your story as complete as if you'd lived it; very likely he will bring in, like a refrain, the thing that he has longed for most. The thing that Brady had suffered for was home — home and wife; not Lotta, mind you, but just plain wife, the woman who was lawfully his, was what Brady wanted.

"At first I was kind-a glad to be away," he told me. "It seemed sort-a larky. I was mad at Lotta that night." He had forgotten how mad, and how unceasingly mad Lotta kept him. The free, light feeling that he had had at first had speedily vanished. He had been like a child trying to play runaway. Very soon panic had closed in on him, panic and homesickness, the desire of the undeveloped mind for the places with which it is familiar. Oh, the heartbroken voice in which he cried out:

"You don't know how I have wanted a drink of beer at Halloran's!"

There was something terrible in the wistfulness of his voice. It seemed hideous to me that an innocent, kind little man should want so much a glass of beer at Halloran's and not be able to have it. I remember, he said several times in the course of his narrative:

"I don't like trampin', and I don't like tramps!"

And that is what this poor home-body had had to do. But, through it all, it had never occurred to him to go home and let Leon take his chances, or to write to Leon. There exists for everybody in this world something, as the saying is, he can't do; and the special thing that Brady couldn't do was to go on the witness-stand against a friend; he couldn't even contemplate putting himself in a position where this might be remotely possible. He had kept out as unquestioningly as he had gone away; and it dawned on me, after a while, that his fear was more for Leon than for himself. When he told me, "honest to God," he didn't do it, he was merely clearing himself with a friend.

We are all familiar with the term "cut adrift"; but to hear a phrase, and to know what it really means, are two very different things. I hadn't known what this meant until I heard Tim Brady talk that night.

He prattled on tirelessly, piling detail on top of detail. He couldn't get into life at any point. He had always worked in the mills, and there wasn't anything else for him to do now. Adrift, the shadow of his friend's crime over him, was what poor Brady was; and as the tides ebb and flow, carrying seaweed and refuse with them, so the tides of life carried that poor bit of human drift-wood aimlessly up and down, longing unspeakably for his place in the world — his home, his woman, his glass of beer at Halloran's! That in giving these up as he had he had done anything heroic, had never occurred to him. He had followed a law of his nature, which seemed to him no more to his credit than breathing.

"Why," I suggested, "don't you let Leon

know you know? Anyway, why don't you change your name and get a job far West in some mill? Let your beard grow," I urged him. Brady was one of those colorless men so like the rest of the world that the slightest outward change disguises them completely. "Anyway, if you want to so much, why don't you go back and hide in your house? I'm going East soon; come along with me," I said.

"I'd like to," said Brady; "I'd like to."

How much he would have liked, the yearning of his voice showed.

"Say," he told me, "you come with me,— you come up to my place with me. I don't like to go alone!" He had been drift-wood for so long, you see, that he needed some one now to steer him to port.

It was what I was perfectly willing to do. I suppose that I still had sticking in my crop the large complacence of Leon and Lotta; the spectacle of seeing them shattered out of it, I thought, would be a pleasant thing. I wanted to see, too, this shadow at my side turn into a man again. For, sitting there in the blackness of the night, the kind of things he said made me think of him as a ghost hungering for life again.

I had great fun coming East with him. I disguised him, and we lived like tramps. It was a great lark for me.

It was dusk when we approached his house. The window-shades had not been pulled down, and the light streamed beckoningly from the kitchen. As we had gone through the squalid outskirts of the manufacturing town, every familiar object of this place where he had been a person, a man living like other men, was burned into Brady's brain as if with fire, as I could see by some little things that he let fall. Every trifling alteration, the clearing away of a fence, the building of a new house — he remarked on them all.

"I wanted," he said over and over, "to come home just once, even if I had to go away again."

I had intended to go on first and find out from Lotta if the coast was clear. I had rather fancied seeing what she'd say when I told her of Brady's return. But Brady insisted on going with me. He couldn't wait. He wanted to look at his house; for that's what it was to Brady, this rented tenement — his house.

We peered in through the window with caution. Leon and Lotta were alone there — Lotta in a chair, Leon standing over her. They were not speaking. Then Lotta raised eyes to Leon — dove's eyes, good eyes, eyes full of submission, eyes full of the promise of loyalty, the eyes of an adoring child. No caress they could have given each other could have been so eloquent, no word they could have spoken so impressive. All that was good in the woman had come to the surface. "Take me," her look seemed to say; "keep me, cherish me, for I live only through you. I am yours, the work of your hands, the creature of your making!" If ever the soul of a woman came to her eyes, Lotta's did at this moment. The change in her was, to me, infinitely touching, as if the only reason she hadn't been good before was because she had been waiting for Leon, that the need of him had been gnawing at her, and that in the pain of her cruel waiting for him she gave pain to others.

How long we stared in at the window, like creatures looking at paradise, I don't know. As I look back at it, it seems to me a long time that Leon stood there, looking at Lotta, and Lotta raised her face, full of love and pride and trust, to her man — Lotta, turned from a devil to an angel through love. Presently as they moved, by some force outside of ourselves we turned without speaking, and went away. I remember wondering to myself, "What will Brady do?' expecting to see him go back, perhaps, into the house.

"Well?" I said, after a time.

Brady smiled at me sheepishly.

"I guess I'll be going," he muttered vaguely.

"Where are you going?" I asked.

Somehow, the irony of it all made me shiver. Brady, the innocent one, outside; and, inside, Leon, who had killed Swansky, and Lotta, whose vicious tongue had whipped Brady out of the house, happy with the happiness of perfect understanding.

"Where am I going?" said Brady. "I don't know. Out West, I guess, and let my beard grow." He spoke like a boy who was reading a lesson.

I put him on a West-bound train the next day, certain in my heart that poor Brady would never do anything so decisive as to let his beard grow, and take another name, and find a job. He had made all the effort he was capable of when he came back; and now, cut adrift for the second time, he would continue to drift, and die, most likely, a drunken vagrant — for drink would be the only refuge that his vague and unimaginative spirit would think of. It takes a specially hardy kind of plant to stand uprooting.

Meantime, Lotta and Leon are happy, while Brady drifts up and down the earth — which is the way that things happen in this world.

HORACE FLETCHER AT HIS HOME IN VENICE

SOME MODERN IDEAS ON FOOD

BY

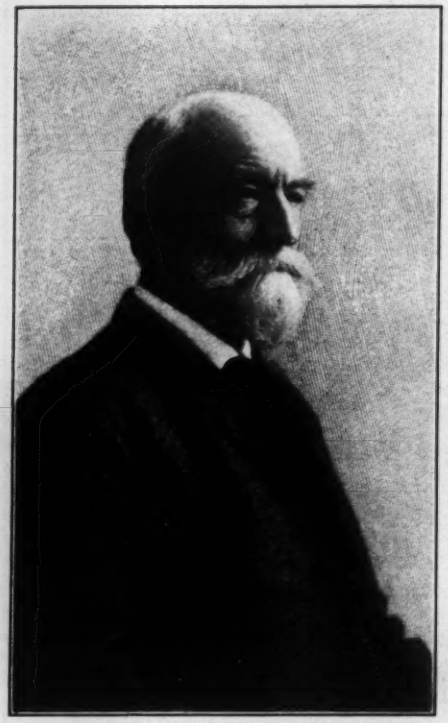
BURTON J. HENDRICK

AUTHOR OF "WORK AT THE ROCKEFELLER INSTITUTE," "THE NEW ANESTHETIC—STOVAINE," ETC.

ILLUSTRATED WITH PHOTOGRAPHS

AT the present time many hundreds of thousands of people in the United States are voluntarily abstaining from eating meat. They are doing this as a protest against the increasingly high prices exacted for this staple of modern life. Their action, however, if continued indefinitely, may have not only economic but important physiological results. It calls attention anew to the many experiments made in the last few years by scientific investigators on the whole subject of nutrition. Besides the vegetarians, who are sentimentally opposed to the consumption of animal flesh, there is a growing body of scientific men who attribute to the excessive use of meat many of the distinctive physical evils that seem to be increasing at the present time.

In the last twenty-five years medical science has waged an unceasing and largely successful warfare against contagious diseases. The practising physician has now lost that helpless horror with which he formerly saw the membrane gather in the throat of the diphtheritic child. The mortality from typhoid fever, scarlatina, and pneumonia has decreased nearly one half. Tuberculosis kills only two thirds as many people now as it did twenty years ago. Yellow fever has all but disappeared from the Southern ports in which it was formerly an annual scourge. Even so hopeless a malady as cerebro-spinal meningitis, which five years ago destroyed three out of every four of the children it assailed, now takes only one. Medical science seems pointed fairly toward the goal which half a century ago would have seemed as unattainable as another golden age — the elimination, from civilized society, of all contagious diseases.



PROFESSOR HENRY P. BOWDITCH, OF HARVARD, ONE OF THE FIRST SCIENTISTS TO BECOME INTERESTED IN MR. FLETCHER'S IDEAS

More Babies Live, but More Mature People Die

The partial subjugation of these acute infections has already materially lengthened the average duration of human life. Formerly it was believed that this average span was an immutably fixed quantity; that nature had allowed us a definite period of life and enjoyment, beyond which even the most persistent could hardly hope to survive. But the statistics of science have taught us that this same average is extremely variable; that it changes with time and place and circumstances; that it is not the same in the United States as it is in India, and not the same in either of these places now as it was a century ago. Thus, in Europe in the sixteenth century, the average length of human life was eighteen or twenty years, while in England at the present moment it is forty-four. This increased longevity is shown even more strikingly in the fluctuations in the death rate of New York City for the last twenty years. In 1890 it was 25 out of each 1,000, whereas now it is only 18.

Flattering as this may seem to the regenerating forces working in modern society, the question has another less encouraging aspect. For this increase in the average human span is entirely the result of decreased mortality among children. The fact that now more people reach maturity has, in the mortality tables, given us all an apparently stronger grip upon existence. But, coincidentally with a lessened death rate among children and young men, there has developed an increased death rate among people who have reached their fiftieth year. We no longer slaughter our innocents — at least, not to the same extent that we did half a century ago; the present generation, however, holds far more terror for men and women who have reached maturity. An altruistic age has so centered its attention upon preserving the lives of its children that it has apparently overlooked the welfare of their fathers. Considered sentimentally, this is unquestionably a gain; but economically it is a positive loss, for society is thus depriving itself, in a constantly increasing degree, of its most productive and efficient lives.

PROFESSOR LAFAYETTE B. MENDEL, PROFESSOR CHITTENDEN'S ASSOCIATE IN THE FAMOUS YALE DIET EXPERIMENTS

In his report to the Conservation Commission on "National Vitality," Irving Fisher, professor of economics at Yale University, quotes the death rate of Massachusetts for 1865 and 1895 as illustrative of these two facts — the decreased death rate for people under fifty and the increased death rate for people above that age:

DEATH RATE IN MASSACHUSETTS PER 1,000 OF POPULATION IN EACH AGE PERIOD

	1865	1895	Practical gain or loss
5–9	9.6	6.2	+
10–14	5.1	3.2	+
15–19	9.6	5.3	+
20–29	12.6	7.1	+
30–39	11.7	9.7	+
40–49	12	13	—
50–59	17	20	—
60–69	33	39	—
70–79	70	82	—
80 and upward	168	185	—

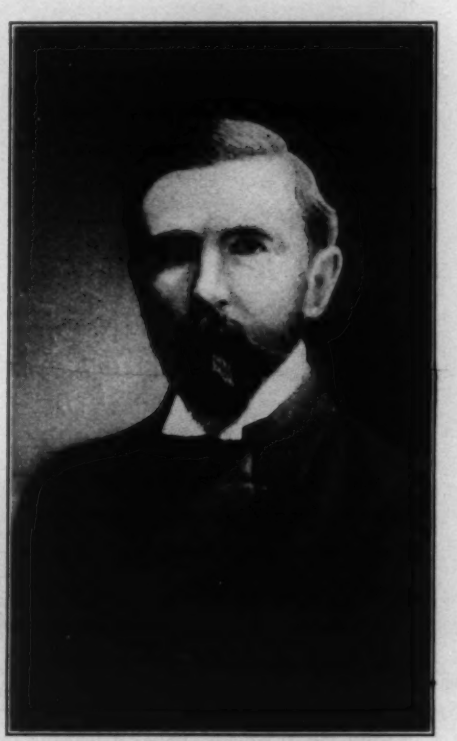
Medical Progress Chiefly in the Treatment of Children's Diseases

The basic fact appears to be that modern medical science, in its warfare against diseases, has concerned itself chiefly with those of bacterial origin. Their prevention through improved sanitation, their cure through serum-therapy — it is along these lines that progress

PROFESSOR IRVING FISHER, OF YALE, WHO, AS A POLITICAL ECONOMIST, IS GREATLY INTERESTED IN MODERN EXPERIMENTS ON DIET

has chiefly been made. With the far more subtle class of disorders not immediately caused, so far as science has discovered, by micro-organisms, few important curative measures have been developed. The acute infections are destructive mainly to childhood and early life, and their partial elimination has, therefore, greatly reduced mortality during these tender periods. The chronic disorders seldom attack the youthful growing organism, but lie in wait for that which has attained its maturity and strength. This list includes not only the long familiar diseases, gout, rheumatism, digestive troubles, cancer, Bright's disease, but also the milder disorders that greatly impair efficiency and ability to perform prolonged, sustained work, and that frequently assume no more tangible outward manifestation than easily induced fatigue, malaise, or "that tired feeling." It is the opinion of Professor Fisher that real, energetic health is the rarest possible human quality. Almost every mature man and woman is in some degree ill, in the sense that their bodies and minds do not realize their complete capacities. "An ideally healthy man," he says, "free throughout from ailment and disability, is rarely, if ever, found." Professor Fisher has himself invented a useful phrase, "the breadth of life," in contradistinction to its length, by which he means to express the extent to which possible health and efficiency are realized. He finds that not only are the lives of Americans after fifty getting shorter, but they are also getting narrower. We do not live so long and we do not live so much.

If you ask the medical scientist what is the cause of most of the chronic diseases of mature life, as well as of nearly all our minor ailments, he will tell you that they are the results of



RUSSELL H. CHITTENDEN, OF YALE, DEAN OF AMERICAN PHYSIOLOGICAL CHEMISTS, AND FOREMOST ADVOCATE OF A LOW-PROTEIN DIET

"deranged metabolism." "Metabolism" is the word used to describe the intricate processes involved in the building up and breaking down of the human body. If the food materials we take in are properly digested, distributed throughout the body, and used in the way that nature intends, the metabolic changes will proceed orderly and no disarrangements will occur. If they fail to do this, endless miseries will result. Obviously, the most essential factor in an economically working metabolism is food. In other words, scientists now believe that nearly all the evils of middle life and old age are caused by unintelligent eating. And medical science, they believe, has made relatively little progress with these same disorders, because it has not given sufficiently detailed attention to this fundamental problem.

The first man to stimulate wide popular interest in nutrition was not a scientific man, but a layman. In the last ten years the public has heard much of Mr. Horace Fletcher—an interesting gentleman with peculiar notions as to the thorough mastication of food and the small amount necessary for the support of human life. Mr. Fletcher's career divides naturally into three parts — each significant in its bearing upon the present subject. The first glimpse we obtain of him is as a young man, serving his business apprenticeship as a clerk in a mercantile house in Shanghai, China. Though physically phlegmatic, Mr. Fletcher, in those early days, possessed strength and endurance of fairly heroic proportions. He easily surpassed all his associates in running, jumping, and wrestling, and could lift dead weights of pig-iron that the strongest sailor could not move. After leaving China, Mr. Fletcher pursued an active and successful business career in several American cities, became a great traveler, an industrious clubman, and a member of many literary and artistic circles. He had wealth and social adaptability, and thus found many opportunities to gratify a natural epicurean taste for the best food and drink. He simply led, that is, the well-fed existence that is considered the natural reward of a successful business life. He ate plentifully of the most expensive and highly sauced meats, drank freely of champagne, took little exercise, was careless in keeping late hours. Without ever sinking into dissipation, he enjoyed for several years what is conventionally regarded as a good time. And this existence had precisely the same effect upon Mr. Fletcher that it is now having upon thousands of other Americans. It found its outward expression in the protuberant abdomen, the pendant cheeks, the puffy eyes, and the wrinkled neck which seem to have become the stigmata of a prosperous business career.

In less than six months Mr. Fletcher rescued himself from this condition, and regained and greatly increased the strength of his early youth. He worked this miracle in the simplest fashion: by making great reductions in his daily food, restricting himself to a simple dietary, and paying the most careful attention to its proper digestion. In Mr. Fletcher's philosophy, all these results are accomplished by rigid attention to one fundamental process — that of mastication. He began chewing his food until all possible taste was eliminated from it. He had no arbitrary standard,— no rule "to chew each morsel thirty-two times,"— but he kept it in the mouth until all the flavor was extracted. As soon as a morsel lost its characteristic taste, it seemed to rise automatically to the roof of the tongue, glide backward, almost as though alive, and then, virtually without a conscious effort of swallowing, slip down into the gullet.

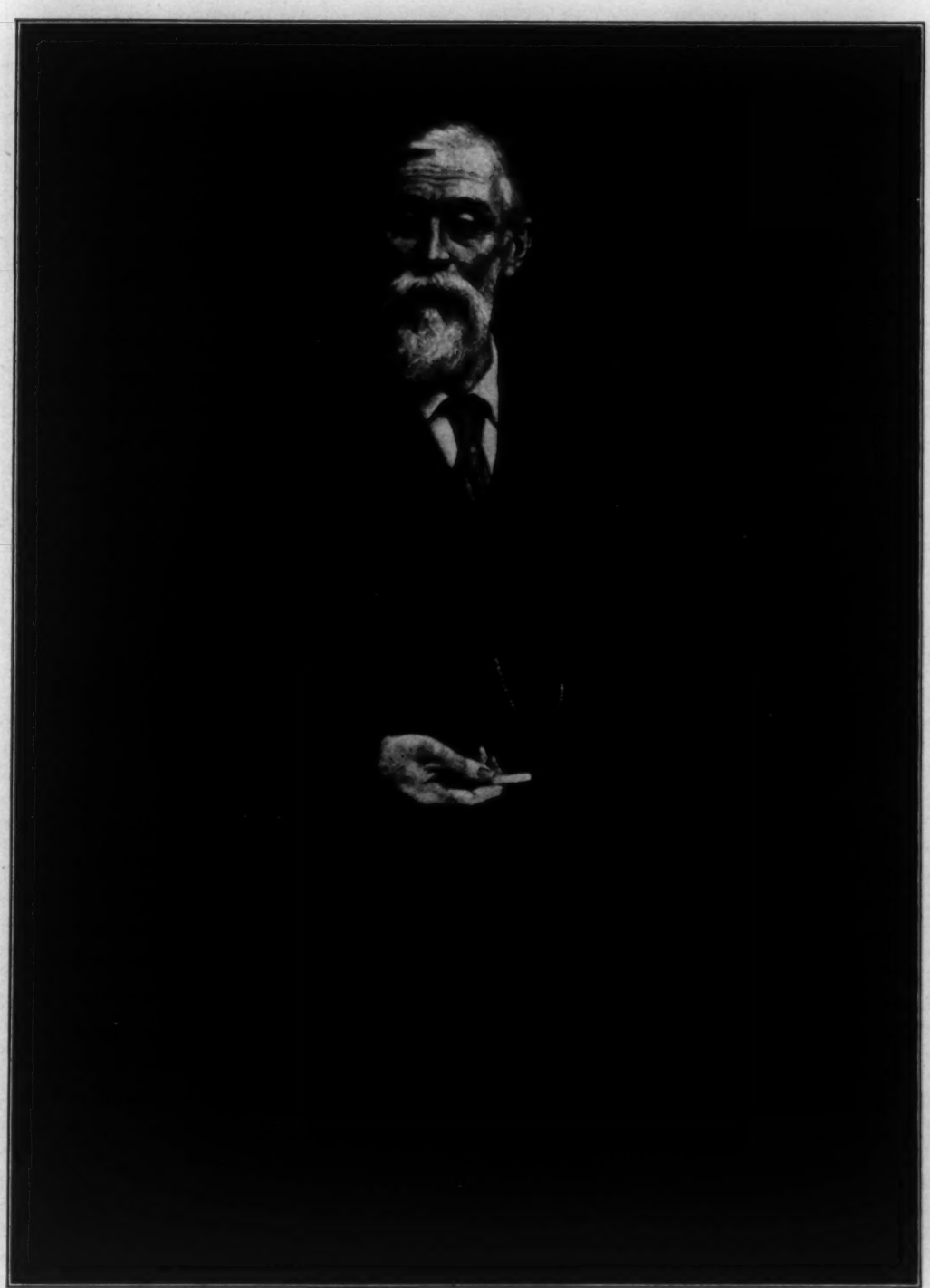
From these observations Mr. Fletcher concluded that the sense of taste fulfilled a fundamental purpose in the economy of the body. As pain was given to protect the body against destruction, so taste may have been given to protect it against improperly prepared food and excessive amounts of it. He gave himself up unquestioningly to this newly discovered mentor. His basic rule was never to eat without a keenly active appetite, and then to eat only as long as this appetite retained its edge. He also allowed this taste full sweep in the choice of food. He never selected a meal arbitrarily, or let any one else select it for him: he simply waited until his appetite imperatively demanded what it desired. By carefully chewing the food taken in this way until it virtually swallowed itself, he made two important discoveries: that he ate only about one third of his customary amount, and that this was composed almost entirely of the simpler foods. Mr. Fletcher discovered that appetite, left absolutely to itself, eschewed the highly sauced meats that for years had formed his staff of life, and seemed to prefer such simple things as bread, cereals, nuts, and potatoes and other vegetables. Moreover, it demanded only comparatively small quantities of these foods.

In a recent article in the *Ladies' Home Journal*, Mr. Fletcher has succinctly summed up all there is to this much-discussed Fletcherism in the following five rules:

First: Wait for a true, earned appetite.

Second: Select from the food available that which appeals most to appetite, and in the order called for by appetite.

Third: Get all the good taste there is in the food out of it in the mouth, and swallow only when it practically "swallows itself."



THE LATE SIR MICHAEL FOSTER, PROFESSOR OF PHYSIOLOGY AT CAMBRIDGE UNIVERSITY, ENGLAND. HIS EXPERIMENTS ON HORACE FLETCHER AROUSED THE GREATEST INTEREST AMONG SCIENTIFIC MEN

Fourth: Enjoy the good taste for all it is worth, and do not allow any depressing or diverting feeling to intrude upon the ceremony.

Fifth: Wait, take and enjoy as much as possible; nature will do the rest.

Mr. Fletcher Becomes a Changed Man

Under this new regimen, Mr. Fletcher, in a few weeks, had become a changed man; in four months his youthful health and vigor had been completely restored. The first noticeable change was a perceptible shrinking in his waistband. When he began experimenting, his chest circumference was considerably smaller than his waist, which measured forty-four inches around; but in a few months this had shrunk to thirty-seven — the normal measurement for a man of his height. A testing by the scales showed that he was losing weight at the rate of a quarter or a half a pound a day. In four months he had dropped from 217 pounds to 163. His whole mental and physical being quickly responded to this fundamental change. For the first time in years, he felt a springiness in his feet and a childlike inclination to play. The old-time fatigue gave way to an endurance fairly phenomenal; an obsessing fog of many years lifted from his mind: everything there was clearness, quickness, and sunshine.

Mr. Fletcher had accomplished his physical regeneration, apparently, by making two important changes in nutrition. He ate only when he had the sharpest appetite, and swallowed his food only after prolonged mastication. Secondly, he enormously reduced his dietary, eating mainly the simplest things. He did not cut out meat altogether, but very largely decreased the supply. When he first began preaching these ideas, scientific men only ridiculed him; it is worth while, therefore, to examine precisely to what extent scientific investigations now support his practices.

Pawlow's Experiments in Digestion

Evidently, the first logical step in an orderly nutrition is digestion — the process by which the food substances are changed in the digestive canal and prepared for the body's assimilation. Professor J. P. Pawlow, director of experimental physiology at the Russian Military School in St. Petersburg, and the recipient, in 1904, of one of the Nobel prizes, has conducted, in the last ten years, many experiments that have fundamentally changed scientific teachings on this important subject.

Until Professor Pawlow's time, the generally accepted theory was that the digestive juices operated as the result of mechanical stimulation. According to this conception, food taken into the stomach simply irritated its walls, and this irritation precipitated the outpouring of gastric juice. Any similar irritation, the school-books asserted, would accomplish the same results; they never tired of insisting that merely scraping the stomach walls with a feather would start an abundant supply. Thus the old teachers said that the stomach, when empty of food, was empty also of gastric juice; and that only after the entrance of food substances did the digestive ferments make their appearance.

Professor Pawlow discovered that this conception was largely inaccurate. By creating an artificial fistula in a dog, he succeeded in gaining perfect access to its stomach. He repeatedly performed the famous experiment of tickling the stomach walls with a feather, and discovered that the books had for years been solemnly recording an untruth; for gastric juice could not be obtained in this way. He scattered over the stomach fine sand — almost the harshest form of mechanical stimulation imaginable; and still the organ remained perfectly dry. Without the dog's consciousness, Professor Pawlow now inserted real food through the opening into the stomach. He found that bread, and coagulated white of hen's egg, when introduced in this way, lay for hours undigested; not a drop of gastric juice came to their rescue. Raw meat, after a prolonged interval, did start a sluggish flow; but the juice obtained in this way had extremely low digestive power. Clearly, therefore, the mere circumstance of the animal's stomach containing food did not explain the presence of gastric fluid. And now, by one of the most ingenious experiments of modern times, Professor Pawlow discovered that it was possible to bathe or saturate the stomach with digestive juice without giving it any food at all. He performed the interesting operation known as esophagotomy; that is, he divided the esophagus — the tube that connects the mouth with the stomach, and serves as the passageway for food — so that, instead of leading to the stomach, it led to an artificial opening in the animal's throat. His purpose in doing this was to prevent the food naturally swallowed by the dog from getting to the stomach; after slipping into the gullet, it would drop through this opening, unnoticed by the dog, into the pan from which it was eating.

Professor Pawlow now let his animal go hungry long enough to acquire a healthy appetite. In spite of the operations that had been performed upon his stomach and esophagus, the dog was entirely normal, as was evidenced

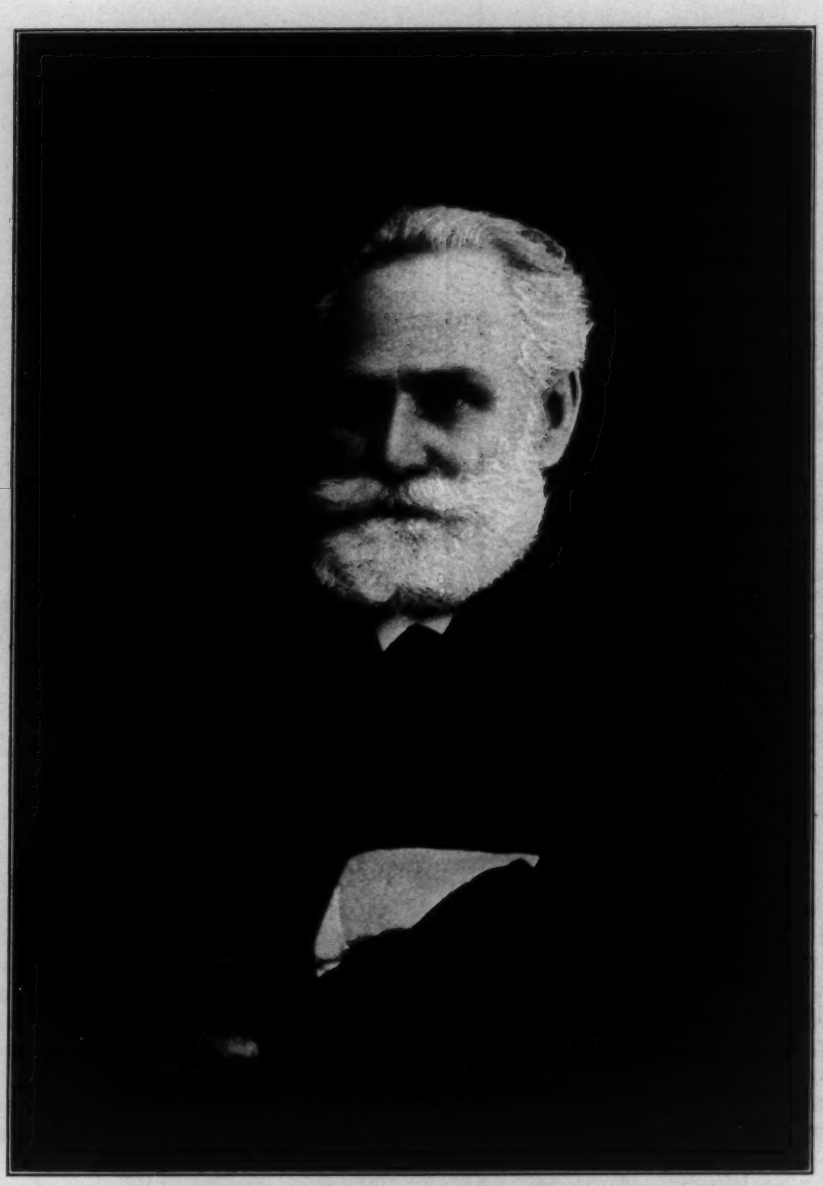
MR. FLETCHER IN HIS SIXTY-FIRST YEAR. HE ATTRIBUTES HIS PRESENT STRENGTH AND AGILITY TO HIS WELL-KNOWN DIETETIC RULES

by the lively interest that he displayed in the preparation of his meal. The food selected was of the daintiest kind — sausages, raw meat, and other morsels especially intended to stimulate appetite. It was prepared and chopped ostentatiously in full view of the dog; some of it was passed under his nostrils. The animal showed his interest by jumping about in the cage, barking, yelping, and licking his chops — the saliva that overflowed his lips betraying his epicurean anticipation of the approaching feast. When the pan was finally placed before him, the dog fell upon it voraciously, eating long and constantly Every mouthful, however, after being swallowed, fell through the artificial outlet of the esophagus into the pan. In this manner, the animal ate the same meal over and over again.

The important fact is this: Although not a morsel reached the stomach, the gastric juice poured into that organ in enormous quantities. Professor Pawlow ingeniously arranged tubes for the collection of the saliva and the gastric fluid, and obtained enough to digest perfectly several large meals. He found that other substances, passing through the mouth and gullet, but not reaching the stomach, had precisely the same effect. He even trained the animal to swallow pebbles; and these, falling out of the opening, likewise started the gastric juice. In fact, if the animal were sufficiently hungry, anything placed in its mouth accomplished the same results. The stomach would fill with liquid at the mere sight of food, or at a whiff of the hands of the person who brought it. Sometimes, if this attendant simply passed through the room, the same influx took place.

Digestion Psychical Rather than Physical

In other words, the process of digestion furnishes a beautiful illustration of the influence of mind upon matter. The inspiring stimulus is not mechanical, but psychic. The preliminary essential to the orderly assimilation of food is the keen desire for it. "The passionate longing for food, and this alone," says Pawlow, "has called forth, under our eyes, a most interesting activity of the gastric glands. . . . We are therefore justified in saying that the appetite is the first and mightiest agent of the secretory nerves of the stomach. . . . A good appetite is equivalent to a vigorous secretion of the gastric juice. . . . There is only one thing to think of, namely, the eager desire for food and the feeling of satisfaction and contentment derived



PROFESSOR J. P. PAWLOW, THE GREAT RUSSIAN SCIENTIST, WHOSE EXPERIMENTS HAVE SHOWN THAT AN AGREEABLE MENTAL STATE IS A NECESSARY PRELIMINARY TO GOOD DIGESTION. IN RECOGNITION OF THIS WORK, PROFESSOR PAWLOW HAS RECEIVED A NOBEL PRIZE

from its enjoyment." And in the telling phrase "appetite is juice" he sums up his philosophy of digestion.

Science Supports Epicureanism in Eating

Thus has Pawlow given epicureanism in eating strong scientific support. And thus, also, do many of Horace Fletcher's ideas find orthodox justification. The first rule of dietetic conduct, according to Fletcher, is to eat only when one is hungry, and to eat only the things from which one anticipates enjoyment. He also teaches that one must eat in the way that gives the greatest sensual pleasure — that is, by thorough chewing and tasting. Also, serenity of mind, pleasant surroundings at a meal, congenial friends, pleasurable conversation — in fact, everything that adds to enjoyment — aid digestion.

Furthermore, Mr. Fletcher declares that careful chewing, and the consequent extraction of all the flavor, inevitably tends toward the taking in of smaller quantities of food. Besides which, the quality also changes: one cares less for highly stimulating meat and more for vegetables, cereals, nuts, and other similarly modest pabulum. In scientific terms, we eat, under

Fletcherism, less protein and more carbohydrate and fat. His demonstration that, in his own case at least, enormously increased mental and physical efficiency followed this changed dietary has stimulated wide interest among scientific men.

The Three Chemical Types of Food: Protein, Carbohydrate, and Fat

In order to understand these experiments, we must have some conception of the human body, and the physical forces that make it what it is. All writers upon this subject invariably compare the body to a machine — to a wonderful locomotive, of which the tissues, the muscles, the bones, and the nerves find their counterpart in the steel and iron that comprise the mechanism, while the food we eat, expending itself in energy, is the coal or wood that makes this mechanism do its work. This comparison, however, is only moderately exact. The human body is a far more complicated and wonderful machine than has ever been made by human hands. The chief difference consists in the fact that this organism, unlike any made by man, really creates itself. If we wish to build a locomotive, a force outside of the locomotive itself must painstakingly assemble and put together the materials; the locomotive cannot build itself. Given an infinitely small protoplasmic cell, however, and plenty of nutritious food, the human body rapidly develops. A locomotive cannot make good the wear and tear that inevitably result from continual use; our bodies, on the other hand, apparently have an almost unlimited capacity for regeneration.

The alimentary canal is the important structure that gives us the material that repairs and restores used-up tissues. Its enormous size sufficiently attests its importance. If we could remove this digestive tract and lay it down lengthwise, it would measure, in most cases, thirty-two or thirty-three feet, nearly six times the length of an average man. In one sense, this alimentary canal is not a part of the body at all. It consists of the mouth, the gullet, the stomach, and the small and large intestines; and these, at least from the standpoint of nutrition, may be regarded as almost independent of the human system. They are the body's vestibule, or, as Van Helmont more than two centuries ago described them, the kitchen in which the body prepares its food. We all know, some of us from painful experience, that merely putting food into the stomach does not necessarily mean that it is to become part of the human organism. Under modern dietaries, nearly all the food we eat, in the form in which it enters the mouth, is practically useless. The cane-sugar that we take in coffee, in syrup, and in our endless assortment of sweets is, in the form in which we eat it, of no service whatever. If you injected this cane-sugar directly into the blood, it would never be utilized; but would make its exit in the excretions in identically the form and amount in which it went in. After a particular section of the intestines, however, has taken it, and transformed it into the particular type of molecule desired, it becomes a very useful food.

The office of the intestines is to serve as a laboratory, in which the miscellaneous materials offered the body as food are submitted to the closest examination, and carefully worked over until the particular things desired are extracted. And the body is extremely nice and discriminating. It knows precisely what it wants, and will accept no substitute. It may be compared to a building made up of various materials, every brick of which has its appointed place. It needs particular bricks for muscle tissue, others for nerves, others for bones, for hairs, for finger-nails, and teeth. All over the body, uncounted billions of cells are constantly pressing on, hungry for food, and absolutely merciless in insisting upon a particular dietary. It is the business of this alimentary tract patiently to receive everything that we force upon it in the course of three square meals a day, to work it over, and to select and send on precisely the molecules needed. It accomplishes this by the use of its digestive ferments. All along its length, beginning with the mouth and ending with the intestines, the digestive liquids pour upon the food, each liquid having the power to break down, or digest, particular food materials, thereby extracting the good and expelling the useless. From the interior walls of the intestines extend millions of microscopic, hairlike tongues, which lick up the assimilable particles as they are prepared, precisely as a cat laps milk, and pass them on to their appointed destinations.

Now, the body, although inexorably insistent in demanding particular kinds of food, does not exact a great variety. Endless as are the dishes we eat, the body cells themselves have an extremely limited dietary. Outside of minute quantities of certain mineral salts, they feed monotonously upon three types of food. The human eye has never seen these molecules in their natural state, as no microscope powerful enough to isolate them exists. But chemistry knows them well, and the particular purposes they serve. It calls them proteins, carbohydrates, and fats. A menu card arranged by the cells for the most elaborate banquet would contain these formidable names, and not the more appetizing French to which we are accustomed. Whatever we eat,

if it is to become a part of the living organism, must first be reduced to one of these three elementary substances. Though, in the past, there has been much acrimonious discussion as to the part each played in the body, that problem is now virtually settled. The great Liebig believed that protein was the chief source of heat and energy; now, however, science knows that protein is the substance that forms the physical body. Our muscles, our nerves, our arteries, our organs,— heart, liver, kidneys, intestines,— these are protein. If we adopt the orthodox comparison and call the body a machine, then it is the protein, and only protein, that makes the wheels, the piston, the boiler, the nuts, the bolts, the screws — it is the machine itself. When the primordial human cell divides, and starts a-growing, it does so by taking on more protein. When the infant grows into a child, and the child into a man, it can do so only by accumulating protein. When the cells of the adult man wear out and need replacement, the miracle is performed only by exchanging new protein for the old. And this phenomenon is taking place unceasingly. The body is in a constant state of flux. Its tissues are continually building up and breaking down. We are constantly shuffling off the mortal coil and constantly putting it on. In our bodies millions of deaths and millions of births take place every hour. The old theological problem of the resurrection of the dead is, from this point of view, an unending commonplace of science. When the body takes the proteins they are dead and inert matter, but in the twinkling of an eye the cells make them quicken into life. When science learns how this dead protein becomes living protoplasm, it will have solved the riddle of existence.

Energy Does Not Come from Protein Alone, but Mainly from Carbohydrate and Fat

Mankind, however, cannot live on protein alone. The mere possession of a fleshy substance does not satisfy all the needs and aspirations of the human spirit. Protein would give us legs, arms, brains, hearts, but it would not give us warmth, motion, thought, activity. As now constituted, most animals desire to move from place to place and to give unrestricted play to their mental and physical vitality. To do this their bodies must have energy; or, to adopt once more the old familiar comparison, their steam-engines must have steam. And they can obtain this motive power only in identically the same way that the steam-engines obtain it — that is, by heat. The locomotive gets heat, and consequently steam, from fire; and we obtain heat, or energy, for the human body in the same way. Parts of our food ultimately burn up in the tissues, and the heat thus eliminated warms our blood, moves our muscles, causes our heart to beat and our brain to think. Every normal human body is the seat of untold millions of these minute explosions every second. The molecules of carbon which we take in as food unite with the molecules of oxygen which we breathe in with the air, and the result is essentially the same as when the carbon and oxygen unite in the fireplace — that is, the setting free of heat. Under certain conditions our bodies can obtain a limited supply of these carbons from the proteins. If we go for a week or two without food, a profound emaciation of all muscular tissue takes place — which is only another way of saying that the voracious body is obtaining its supply of heat by burning itself. Under normal conditions, however, the body fuel is provided by the fats and carbohydrates of the food. These latter molecules are absolutely worthless as tissue material, but they furnish that heat and energy without which our bodies would sink into a mass of useless, inert pulp.

Lean Meat Almost all Protein

These two distinct food classes are found abundantly in organic nature. The essential element of the protein used in the body structure is its nitrogen, while the indispensable atom of carbohydrate and fat is its carbon. Animal flesh is the largest known storage warehouse of nitrogen, while the carbonaceous material is found most abundantly in plant life. Mankind would soon perish if it lived exclusively upon meat, for that would provide the nitrogen required — that is, the body substance — without sufficient quantities of the energy-containing materials. It could live exclusively upon a vegetable diet — indeed, millions of men in India, China, and Japan have done so for thousands of years; for that, in addition to the carbohydrates and fat, also contains the indispensable protein. From the standpoint of the body essentials, however, science has little interest in the acrimonious discussions waged between vegetarians and flesh-eaters. It recognizes the fundamental fact that, in reality, we are all vegetarians, whether we eat animal flesh or plants. If we take our daily pabulum in vegetable form,— potatoes, rice, wheat, and so on,— we are merely what may be called *prima facie* vegetarians. If we eat largely of flesh, we are also vegetarians only once removed; for the ox that we devour is composed only of the grass and hay and corn upon which it has itself been fed. To go back still further, the heat and

energy of the plants came originally from the sun. Ultimately, therefore, we are not vegetarians, or carnivorians, or fruitarians, but solarians.

Waste Products of Protein Poisonous; Waste Products of Carbohydrates and Fats Harmless

There are reasons, however, why science is interested in the question of nitrogenous and non-nitrogenous foods. That we must eat both protein and carbonaceous foods is plain; we cannot exist unless we do. But the waste products of these two kinds of food are very different, and this fact gives great importance to the problem of the proportions in which we eat them. After our bodies have utilized the assimilable parts of the carbohydrates and fats, there is left, as the useless residue, merely carbonic-acid gas and water. The former quietly leaves the body in breathing; the latter is eliminated through the skin, lungs, and kidneys. The fats can also be stored up for future use — as witness the aldermanic proportions of so many well-fed Americans. The carrying around of this adipose matter means the wasting of much energy, but it does not poison the system. The waste products of protein, however, are a very different matter. The chemist in the laboratory can split this molecule into twenty or thirty different substances, many of them distinct poisons. In another part of this article these poisons will be described in greater detail; for the present, it is enough to keep in mind that protein matter, though it contains certain chemical substances indispensable to the body's structure, contains others that, if introduced in sufficient quantity, will certainly destroy it.

Now, the whole modern problem of nutrition, of which we hear so much, is essentially this: how much protein, and how much carbohydrate and fat, are needed in the daily dietary? Inasmuch as the waste products of protein are insidious poisons, does not the constant consumption of excessive amounts — of more, that is, than the body requires to replace the wear and tear in its structure — exercise degenerating effects upon it? Inasmuch as the main source of protein to the present generation is animal flesh, the real point at issue is whether we are not all eating too much meat.

The Mistaken Association of Physical Strength With Red Meat

How little our universities have understood the subject is evident from their way of training athletes. They have fed their football men on a heavy meat diet, under the impression that this alone could make them strong and irresistible. But, as already set forth, strength and energy come, chiefly, not from protein material, but from carbohydrate and fat. It is not beefsteak that scores the winning touch-down and kicks the goal, but potatoes, wheat, rice, and butter. Yet, mankind has always associated physical power and endurance with red meat. In the main, science itself has supported this view. But only recently have the judgments of science been based upon actual experiment. The greatest authorities, in their efforts to discover the necessary food, have not followed the obvious method of experimenting upon human beings. Instead, they have virtually let men and women settle this important question for themselves. Whatever the normal person actually eats, said science, that is what he naturally needs. Thus, "actual food requirements" and "standard diets" represented, not scientific deductions based upon careful scientific experiments, but merely the cravings of the human palate as modified by financial or environmental considerations.

The most distinguished investigator of this kind was a German, Carl Voit. Voit discovered that the average German, doing moderate work, ate 118 grams of protein food daily and enough carbohydrate and fat to give him a total heat supply of 3,055 large calories. A gram, it may be explained, is something more than 15 grains avoirdupois, while a calory is the French measure of heat, technically representing the temperature required to raise one kilogram of water one degree centigrade. The same German doing hard work, Voit found, ate daily 145 grams of protein, and enough of fuel-making foodstuffs to give him 3,370 calories. Voit concluded, therefore, that these represented real body needs; and they became the "Voit standard." They represented about one pound of meat daily for the moderate worker, and about twenty ounces for the hard laborer.

In this country, Professor Atwater, after investigating the daily food consumption of fifteen thousand Americans, decided that from 125 to 150 grams of protein and enough carbohydrate and fat to furnish 3,500 to 4,500 calories represented real dietetic needs. This was known as the "Atwater standard."

About eight years ago, it began to dawn upon scientific men that conclusions based upon these methods of research were inadequate. The one obvious fact is that the pocketbook, and not pressing physiological needs, regulates our daily dietaries. The first thing most people do when their income increases is to improve the quality

and increase the quantity of their flesh foods. When the thousand-dollar clerk is promoted to the five-thousand-dollar superintendency, he no longer lunches at a five-cent "stand-up," but at a more expensive and more comfortable restaurant. He does this as naturally as he stops smoking five-cent cigars and takes on a more expensive brand. To conclude that the things people actually eat represent the things they ought to eat would seem as rational as to assume that the present-day consumption of alcohol represents actual physiological needs.

Sir Michael Foster Indorses the Low-Protein Idea

Sir Michael Foster, professor of physiology at the University of Cambridge, and Huxley's successor as secretary of the Royal Society, became interested, in 1901, in Horace Fletcher's ideas, and invited him to Cambridge. Several members of the Cambridge medical staff immediately began Fletcherizing, apparently with beneficial results. "The adoption of the habit of thorough insalivation," wrote Sir Michael, reporting these experiments, "was found, in a consensus of opinion, to have an immediate and very striking effect upon appetite, making this more discriminating, and leading to the choice of a simple dietary, and, in particular, reducing the craving for flesh foods. The appetite, too, is beyond all question fully satisfied with a dietary considerably less in amount than with ordinary habits is demanded. . . . In two individuals who pushed the method to its limits, it was found that complete efficiency was maintained for some weeks upon a dietary which had an energy value of less than one half of that usually taken, and comprised little more than one third of the protein consumed by the average man."

Professor Chittenden and Professor Mendel of Yale Take to the Low-Protein Diet

Cambridge University, unfortunately, had no adequate facilities for a detailed laboratory experiment, and the headquarters were, therefore, transferred to the Sheffield Scientific School of Yale University, in New Haven, Connecticut. Here, under the direction of Russell H. Chittenden, professor of physiological chemistry, and Professor Lafayette B. Mendel, experiments were made that have largely influenced scientific thinking on the subject of nutrition. Professors Chittenden and Mendel experimented upon themselves and several of their associates, upon eight trained university athletes, and upon a detail of thirteen soldiers furnished by the United States Government. Professor Chittenden himself had for years suffered from rheumatism, and had also eaten the usual amount of protein food — about the 118 daily grams recommended by Voit. He gradually cut this down until he was eating only 44. He ultimately abandoned breakfast entirely, with the exception of a single cup of coffee, took a light lunch, and a more substantial dinner. He made no attempt to limit himself to a vegetarian diet; but he found that, with his new régime, his liking for the simpler vegetable foods increased. The following may be taken as a fair example of the daily dietary that he regularly maintained for six months:

Breakfast: Coffee, 119 grams; cream, 30 grams; sugar, 9 grams.

Lunch: One shredded wheat biscuit, 31 grams; cream, 116 grams; wheat gem, 33 grams; butter, 7 grams; tea, 185 grams; sugar, 10 grams; cream cake, 53 grams.

Dinner: Pea soup, 114 grams; lamb chop, 24 grams; boiled sweet potato, 47 grams; wheat gems, 76 grams; butter, 13 grams; cream cake, 52 grams; coffee, 61 grams; sugar, 10 grams; cheese crackers, 16 grams.

Professor Chittenden's associate, Professor Mendel, kept still closer to a non-flesh diet. The following is a fair example of his daily menu:

Breakfast: Sliced orange, 140 grams; coffee, 100 grams; cream, 30 grams; sugar, 21 grams.

Lunch: Lima beans, 41 grams; mashed potato, 250 grams; bread, 28 grams; fried hominy, 115 grams; syrup, 48 grams; coffee, 100 grams; cream, 30 grams; sugar, 21 grams.

Dinner: Consommé, 150 grams; string-beans, 140 grams; mashed potato, 250 grams; rice croquette, 93 grams; syrup, 25 grams; cranberry jam, 95 grams; bread, 19 grams; coffee, 100 grams; cream, 30 grams; sugar, 21 grams.

In "The Nutrition of Man,"* Professor Chittenden gives the following table showing the chemical composition of various food materials:

Food Materials	Protein	Carbohydrate	Fat	Water	Mineral Matter	Fuel value per pound
Fresh porterhouse steak, edible portion	21.9	0	20.4	60.0	1.0	1270
Lamb chops, broiled	21.7	0	29.9	47.6	1.3	1665
Chicken, broilers, edible portion	21.5	0	2.5	74.8	1.1	505
Cooked bluefish, edible portion	26.1	0	4.5	68.2	1.2	670
Boiled hen's eggs	13.2	0	12.0	73.2	0.8	765
Whole cow's milk	3.3	5.0	4.0	87.0	0.7	325
Wheat flour, entire wheat	13.8	71.9	1.9	11.4	1.0	1675
Boiled rice	2.8	24.4	0.1	72.5	0.2	525
Boiled potatoes	2.5	20.9	0.1	75.5	1.0	440
Dried peas	24.6	62.0	1.0	9.5	2.9	1655
Green corn	3.1	19.7	1.1	75.4	0.7	470
Butter	1.0	0	85.0	11.0	3.0	3605

* Published by the Frederick A. Stokes Company, New York.

Professor Chittenden Finds His Physical Condition Improved

How this new diet affected him Professor Chittenden himself describes as follows:

"At first this change to a smaller amount of food daily was attended with some discomfort; but this soon passed away, and the writer's interest in the subject was augmented by the discovery that he was unquestionably in improved physical condition. A rheumatic trouble in the knee-joint, which had persisted for a year and a half, and which had only partially responded to treatment, entirely disappeared — and has never since recurred. Minor troubles, such as 'sick headaches' and bilious attacks, no longer appeared periodically, as before. There was a greater appreciation of such food as was eaten; a keener appetite and a more acute taste seemed to be developed, with more thorough liking for simple foods. By June, 1903, the body weight had fallen to 58 kilos (about 127 pounds). During the summer the same simple diet was persisted in — a small cup of coffee for breakfast, a fairly substantial dinner at midday, and a light supper at night. Two months were spent in Maine at an island fishing resort, and during a part of this time a guide was dispensed with and the boat rowed by the writer frequently six to ten miles in a forenoon, sometimes against head winds (without breakfast), and with much greater freedom from fatigue and muscular soreness than in previous years on a fuller dietary."

Though this experiment was finished six years ago, Professor Chittenden has from choice kept himself upon virtually the same diet ever since. His physical efficiency was subjected to a hard test last summer by a severe attack of pneumonia, which he came through successfully. With Professor Mendel and his other associates the results similarly indorsed the harmlessness of a low-protein intake. Eight university athletes, who for several years had been large consumers of protein food, adopted the new diet for five months, with similar results.

United States Soldiers Improve Under the Low-Protein Diet

Especially important were the experiments with the United States soldiers. These men had no scientific or sentimental interest in the experiments. In their case, the psychological element would not offset the conclusions; they would not imagine any physical improvement in their condition; in fact, their attitude was at first rather hostile, several actually deserting from the army in order to escape what they looked forward to as a frightful ordeal. For years they had been excessive feeders, eating large quantities of meat three times a day. They were at first afraid that under the new diet they would lose their strength. They lived upon it, however, for six months, all the time keeping up their usual routine drills, and enjoying rather more exercise and work than they had normally been accustomed to. They reduced their intake of protein to about 48 grams, and the average fuel value of the daily dietary was a little less than 3,000 calories. Under this regimen the condition of the soldiers markedly improved. The majority lost a little in weight — in all cases a desirable change, for the losses were of fat. A few, however, actually weighed more at the end than at the beginning. Strength tests showed what Professor Chittenden described as a "phenomenal gain." They were submitted to the usual gymnasium tests for strength, and many fairly doubled their muscular power in six months. They also developed a courage and self-reliance in the gymnasium "stunts" that were significant of an improved physical condition. When they began work, they went at these tasks hesitatingly and performed them awkwardly; at the conclusion, however, they had developed marked readiness and skill.

Irving Fisher, another Yale professor, has also conducted interesting experiments in diet. A few years ago Professor Fisher, at the threshold of a distinguished career, found himself afflicted with tuberculosis. After several years of rigid treatment, he succeeded in curing himself, but, until he gave careful attention to diet, he was unable to regain complete strength and efficiency. His most marked physical failing was lack of endurance; he could work mentally for only an hour or two at a time, and could walk hardly a block without extreme physical exhaustion. By placing himself upon a low-protein diet, and virtually eschewing meat, he has completely regenerated himself. As a political economist, his own case seemed to Professor Fisher to have widespread importance. It revealed the enormous waste in human efficiency constantly taking place. The lives that are needlessly sacrificed, the still larger number that, in their living, yield only a small percentage of their energy — what would be the economic gains if a small part only of this extravagance were saved? Although not a medical man, these considerations led Professor Fisher to study the influence of diet upon human energy.

Flesh-Abstainers Apparently Have Greater Endurance than Meat-Eaters

He tested all the principles of Fletcherism upon nine students. These students were fed

freely, for a period of six months, upon whatever food they desired, in whatever quantities appetite called for. They were held down to only one rule: to observe carefully all of Mr. Fletcher's teachings in thorough mastication. Promising to chew up to the swallowing-point, they were allowed to follow their own inclinations in the matter of dietary. The usual results ensued. The men soon found that, though eating about the same quantities of food, their cravings for animal flesh were rapidly disappearing. At first they were eating almost double the Chittenden standard; at the end of the six months they had, with entire comfort and satisfaction, adjusted themselves to that standard. "Our conclusion, in brief," writes Professor Fisher, "is that Mr. Fletcher's claims, so far as they relate to endurance, are justified."

The experiments conducted by Professor Fisher to test the relative endurance of flesh-eaters and flesh-abstainers also demonstrated marked superiority in the latter. For his flesh-eaters Professor Fisher took several Yale undergraduates and instructors, and for his flesh-abstainers several doctors and nurses from the well-known Sanitarium at Battle Creek, Michigan. The latter institution, as is well known, maintains practically a vegetable, fruit, and cereal dietary. All of the subjects selected by Professor Fisher, excepting one, had abstained from flesh for periods varying from four to twenty years, and five had never tasted it. The flesh-eaters had for years lived upon a high-protein diet, nearly all eating meat two or three times a day. The first experiment was the familiar arm-holding test. Any one who has attempted to hold the arms extended for any length of time knows that it is a severe test of endurance. In this trial the flesh-abstainers so far outdistanced the flesh-eaters that the proceedings became almost a farce. Only two of fifteen meat-eaters held out their arms a quarter of an hour, whereas twenty-two of the thirty-two abstainers easily exceeded that limit. Not a single flesh-eater could hold out his arms half an hour, whereas fifteen of their rivals easily surpassed that record. Four held out their arms two hours, and one exceeded three hours. In the other tests the results were likewise overwhelmingly in favor of the flesh-abstainers. Another endurance test is "deep knee-bending"; that is, the rapid change from an erect to a squatting posture. Of the nine flesh-eaters who took this test, only three could do it more than 325 consecutive times, whereas seventeen of the twenty-one abstainers easily surpassed that figure. Only one of the nine Yale men reached 1,000, while six of the twenty-one did so. Not a single flesh-eater reached the 2,000 mark, while two abstainers did.

The following table succinctly sums up the results of these remarkable experiments:

RESULTS OF TESTS CONDUCTED BY PROFESSOR IRVING FISHER TO DETERMINE THE INFLUENCE OF HIGH-PROTEIN AND LOW-PROTEIN DIETARIES UPON ENDURANCE

Arm-Holding Test

LOW-PROTEIN SUBJECTS, 32; HIGH-PROTEIN SUBJECTS, 15

Low-protein subjects, average minutes	49
High-protein " " "	10
Low-protein " maximum "	200
High-protein " " "	22
Number of low-protein subjects who exceeded 15 minutes	22
" " high-protein " " " 15 "	2
" " low-protein " " " 30 "	15
" " high-protein " " " 30 "	0
" " low-protein " " " 60 "	9
" " low-protein " " " 180 "	1
Total minutes' work done by 15 low-protein subjects	1,336
" " " " " 15 high-protein athletes	150

Deep Knee-Bending Test

LOW-PROTEIN SUBJECTS, 21; HIGH-PROTEIN SUBJECTS, 9

Low-protein subjects, average number times	833
High-protein " " " "	383
Low-protein " who surpassed 325	17
High-protein " " " 325	3
Low-protein " " reached 1,000	6
High-protein " " " 1,000	1
Low-protein " " " 2,000	2
High-protein " " " 2,000	0
Low-protein best subjects (9) number times	12,335
High-protein athletes (9) number times	3,447

The lower-protein advocates conclude, from these several experiments, that a low-protein diet, especially a diet containing small quantities of animal flesh, or perhaps none at all, means increased physical efficiency and endurance. What is the physiological explanation of this? It would be untrue to assert that scientists are of entire accord in this matter — that they all accept Professor Chittenden's experiments as conclusive; or that those who believe that a reduction in meat is a desirable thing have elaborated any unassailable theory to explain their convictions. In what follows, therefore, the writer simply records the results of certain noteworthy experiments which many believe shed much light upon the problem.

The Alimentary Tract a Culture-Tube for Microbes

In order to understand this phase of the subject, we must revert once more to that very interesting part of our machinery, the alimentary canal. Besides serving as a laboratory for the preparation of our food, this tract has another office, not quite so beneficent: it is the most perfect culture-tube known to bacteriological science. No part of the body is so densely populated with microörganisms. It is estimated that in the alimentary canal of the average adult about 126,000,000,000 microbes come into existence every day. They crowd this region so densely that scientists originally be-

lieved that they were indispensable to human life. Pasteur, who first discovered them, maintained this view; but recent investigations have rather disproved it. There are many animals that exist in perfect health without any intestinal bacteria at all. Polar bears, seals, penguins, eider-ducks, arctic reindeer — these, and other creatures in the arctic zone, have few traces of these organisms. They are absent from the digestive tubes of all animals during the foetal period. This fact led, some years ago, to a noteworthy experiment: A young guinea-pig was removed from its mother by the Caesarian operation, kept under sterilized condition, and fed upon sterilized food. Under these conditions the animal lived, thus showing that normal guinea-pigs, at least, could successfully worry along without intestinal bacteria.

Varied Population of the Intestines

It does not necessarily follow that all intestinal microbes are harmful. Indeed, many are actually benign. The population of the intestine is most varied; the races found within it have as pronounced characteristics, as definite an inclination toward good or evil, as men themselves. There is a particular species that finds the colon — the extremity of the alimentary tract — so natural a local habitation that it has been named the *Bacterium coli*. Mankind has few bacterial friends more useful than this; it is the deadly foe of other dangerous organisms that are constantly gaining access to the intestine. For there are other bacteria constantly found in the intestines whose nature is not so beneficent. Of particular interest in the present discussion is the microbe discovered about twenty years ago by Professor William H. Welch, now of Johns Hopkins University, and by him given the name *Bacterium aërogenes capsulatus*. Among its peculiarities is that it is able to exist without oxygen. It was Pasteur's penetrating mind that first discovered that certain microörganisms died immediately on exposure to the air, and that, indeed, the whole tribe might be divided into two classes — those to which oxygen was indispensable, and those that could not exist in its presence. He called the former the aërobes and the latter the anaërobes. The bacteria that cause the common phenomenon of putrefaction belong to the latter class. Putrefaction or fermentation, as most readers know, is merely the chemical process by which dead animal or vegetable matter is resolved into its original elements — a process which is brought about through the intervention of this wonderful living world of microörganisms. The bacteria that accomplish this cannot live in the presence of air — whence Pasteur's famous aphorism, "fermentation is life without oxygen." It so happens that the human intestine, in its lower extremities, is without light and air: it thus becomes a darkest anaërobia in which these putrefactive organisms find especially fruitful soil in which they can increase and multiply. The *B. aërogenes capsulatus*, which especially thrives there, has as its chief function the decomposition of protein matter — of animal flesh, such as the beefsteak and prime roasts that constitute so large a part of our dietaries.

Putrefactive Bacteria Increase in the Intestine as We Grow Older

Especially significant is the fact that these putrefactive microbes are found in the intestine in larger quantities as we grow older. In nurslings they do not live at all; in children they exist only in extremely small quantities; in young men and women moderate colonies are frequently discovered; in mature people they are usually abundant; while the intestines of the aged, especially those in feeble health, are almost always densely populated. Most scientists who have studied the question associate the progressive increase of these microörganisms with the changed conditions of adult life, especially the changed diet. One of the most distinguished of these investigators is Dr. C. A. Herter, professor of pharmacology and therapeutics at Columbia University, and a trustee of the Rockefeller Institute for Medical Research.

"During adult life," says Dr. Herter, "factors usually enter into the lives of human beings which are not without influence upon the bacterial condition that prevails in the stomach and intestines. . . . In adult life the individual experiences new responsibilities, new ambition, new dangers, an enhanced emotional life, and in very many instances a very marked change in the direction of more sedentary habits, incidental to a larger proportion of indoor life. The dietary is apt to undergo an alteration in the direction of increased and frequently injudicious liberty in the use of tea and coffee, also the use of tobacco and alcoholic drinks is either increased or begun."

Dr. Herter has also found an apparent relation between the condition of people in mature life and the bacterial contents of the intestines. "There are men who at seventy," he says, "have cells with functional capacities superior to those of other men who are little beyond forty, and who show their superiority in the ability to work without fatigue, to digest without any consciousness of digestive processes,

and to make large outputs of mental and muscular energy without ill effects. . . . If we examine the intestinal bacteria of such people, we find conditions wholly in harmony with the unusual preservation and general functional powers, and with the freedom of signs of disordered digestion. The feces contain an abundance of bacilli of the *B. coli* group, and the putrefactive microbes are few in number. . . . I think it quite clear that the conditions in youth are much more close to the ideal physiological state of infancy and childhood than are those of senility. The difference lies mainly in the direction of the greater abundance of putrefactive bacteria in old age. . . . The main difference between the putrefactive condition found at fifty and at seventy is mainly that at the latter period they are a little more marked in their intensity, and affect a much larger proportion of the population. The people in question at this latter period of life are not ill, but in order to keep fairly well have to be very careful as to their habits of living. . . . The onset of senility may be distinctly accelerated through the development of intestinal infection in which the putrefactive anaërobes are prominently represented. I am inclined to give prominence to *B. aërogenes capsulatus* as the most important factor in the production of the putrefactive decompositions of old age."

There Are More Intestinal Bacteria in Meat-Eating than in Plant-Eating Animals

When Dr. Herter and other investigators speak of putrefaction, they mean precisely what the word implies — that is, the rotting, in the intestines, of unassimilated food. The dead cat lying in the gutter, as every one knows, is set upon by putrefactive bacteria and resolved into its original elements; and precisely this phenomenon takes place with unassimilated food in the digestive canal. Every one also knows that if a porterhouse steak and a baked potato are placed side by side in the sunlight, the meat will putrefy much more rapidly than the vegetable. Precisely this thing will happen in the human body. Dr. Herter explains that an excessive meat diet may exert marked influence on the growth of putrefactive bacteria in the intestines. Experiments that he has made upon the intestinal contents of carnivorous and herbivorous animals apparently support this view.

He examined, first, the intestinal contents of animals that live almost exclusively upon raw meat, such as dogs, cats, wolves, tigers, and lions. In virtually all cases he found large quantities of putrefactive bacteria, especially the *B. aërogenes capsulatus*. In order to test their supposedly deadly qualities, he injected these bacteria subcutaneously into guinea-pigs. "The results of these inoculations," he says, "were the same in each instance. The animals died within twenty-four hours, and usually in fifteen to eighteen hours." He then conducted similar experiments upon the intestinal contents of several well-known herbivorous animals, such as the buffalo, goat, horse, elephant, and camel. In these he found no traces of *B. aërogenes capsulatus*, except in the buffalo, where the number was very small. When he injected suspensions of these bacteria into guinea-pigs, the results were very different from those obtained from meat-eating animals. "With the exception of the suspension obtained from the horse, the pathogenity was found to be slight, the guinea-pigs frequently living two or three days, or entirely recovering.

"These differences," Dr. Herter concludes, "in the appearance and behavior of the bacteria derived from typical carnivora and herbivora suggest that the habit of living upon a diet consisting exclusively of raw meat entails differences in the types of bacteria that characterize the contents of the large intestine. The occurrence of considerable numbers of spore-bearing organisms in the carnivora points to the presence of anaërobic putrefactive forms in great numbers. The question arises whether the abundant use of meat over a long period of time may not favor the development of much larger numbers of spore-bearing putrefactive anaërobes in the intestinal tract than would be the case were a different type of protein substituted for meat. . . . In cases where a patient takes daily a large quantity of meat which is imperfectly masticated, there is much more opportunity for the development of putrefactive anaërobes in the lower part of the intestine than if the same quantity of meat is thoroughly subdivided by mastication."

We shall be led into an extremely technical field if we attempt to describe precisely what are the effects produced upon the body by these malevolent organisms. The putrefactive bacteria industriously manufacture various chemical substances, nearly all of them dangerous to the body's welfare. Many investigators have tested these products by injecting them into experimental animals, almost invariably with deleterious results. Thus Dr. Herter injected hydrogen sulphide, one of the products of animal decomposition, into a dog, which, as a result, passed into a state of collapse. Dr. J. Howland and Dr. A. M. Richards, of New York, injected indol, another putrefactive product, into a dog;

the animal, after manifesting many signs of mental and physical derangement, ultimately died. Dr. Frederick S. Lee, of Columbia University, found experimentally that this same substance injected into the muscles of cats and dogs produced immediate and clearly-perceptible signs of fatigue.

That these substances, if absorbed in large quantities by human beings, can produce varying stages of inefficiency and disease, is clearly apparent. The only disputed point is the extent to which we absorb them. Nature, of course, has protected us against their encroachment by an elaborate machinery, else we should all have been poisoned ages ago. It is for this direct purpose that the emunctories, or organs of elimination, are given us. All these deadly substances get into our blood in large quantities every day, but the body's natural defenses destroy them before they have made much headway. One of the chief functions of that very useful and very busy organ, the liver, is to burn up the poisons which, unless destroyed, would quickly kill us. But the theory of those who advocate a low-protein diet, and especially one that contains a small amount of animal flesh, is, briefly, this: One of the great differences between protein food and carbohydrate and fat is that the body must at once either utilize virtually all the protein ingested, or excrete it, while the carbohydrate and fat can be stored up for future use. Thus, muscles are composed of protein, and we all know that our muscles never increase in size purely as a result of eating meat — that exercise and constant use are what chiefly influence their growth. A large intake of carbohydrate and fat, on the other hand, immediately increases our weight, which is only another way of saying that the body has no present use for this surplus food, and is therefore storing it up. The amount of protein that the body can utilize is fairly constant for the individual, and any excess amount must be disposed of at once through the organs of elimination. When we constantly fill the alimentary tract with more protein than the body can utilize,— as, with a heavy meat diet, we constantly do,— a tremendous strain is put upon these same organs; they work and toil twenty-four hours a day in the effort to free the body from the evil effects of our indulgence; and finally, as the strain becomes unbearable, weaken and break down. We have heaped upon the engine more work than it can accomplish, and it stands as a wreck before our eyes. It is then that, the digestive apparatus moving slowly, awkwardly, and inadequately, the food lies unassimilated in the intestines, and ultimately disappears as a result of bacterial decomposition. If this material is rich in protein, especially meat, all kinds of harmful substances are set free, and bring numerous troubles upon the system. In the opinion of Elie Metchnikoff, the great zoölogist of the Pasteur Institute, this is the process that causes what he calls premature old age — that is, old age which manifests itself at sixty, seventy, or eighty; he believes that the average person, by freeing his intestines from these putrefactive bacteria, could easily live to be one hundred and forty or one hundred and fifty years old. While all are not so optimistic as this, there is a growing belief that these bacteria enormously reduce the sum of human efficiency and happiness, as well as directly cause many of the ills that are apparently destroying so many people in what ought normally to be the full maturity of their usefulness.

DUSK IN THE BAY OF NAPLES

BY

ARTHUR STRINGER

THE gold o'erflowing sunlight fills
Campanian valley, coign, and bay,
And gleams on towers and terraced hills
That melt long miles and miles away.

High o'er the luminous water lifts
The spangled city crowned with haze,
Where out past lamp and buoy there drifts
The spirit of forgotten days.

A sound of music, silence deep,
And, where the city meets the sea,
A thousand years of laughter sleep,
A thousand years of tragedy!

THE CURSE OF THE HERETIC

BY

SEUMAS MacMANUS

AUTHOR OF "A LAD OF THE O'FRIEL'S," "DONEGAL FAIRY STORIES," "IN CHIMNEY CORNERS," ETC.

ILLUSTRATIONS BY ROLLIN KIRBY

THE old priest said: "My child, make not cast-iron rules, ever. Or, if occasion arise when you think you must make them, seize the earliest opportunity that your returning good sense presents to smash them again. To make them, I suppose, is human, even Christian-like; but to break them, divine.

"I have made them once or twice in my own life," he said, "and solemnly vowed to keep them. I always broke my vow without compunction. The last time that I dealt in the rigid cast-iron article was when I took up the Mission in a settlement, mainly German, in the back woods of Wisconsin — a parish that went by the not choice but appropriate name of Hobson's Hole. It was a God-forsaken tract of country, sure enough; and Hobson deserved ill of his kind for first creating this hole.

"I wasn't the first priest sent to Hobson's Hole. There was an old man, a French Canadian named Perier, sent there before me — an old man who died after five years of it — died, practically speaking, of starvation; for the settlers who drifted into Hobson's Hole considered, to use the expression of one of them, that they had struggle enough on their hands without fighting the devil also, and they didn't want to prejudice that gentleman against them by subsidizing a priest. They fell into careless, slovenly habits in Hobson's Hole. They lost energy and ambition, and fast retrograded toward aboriginal conditions.

"As the poor old French Canadian who had

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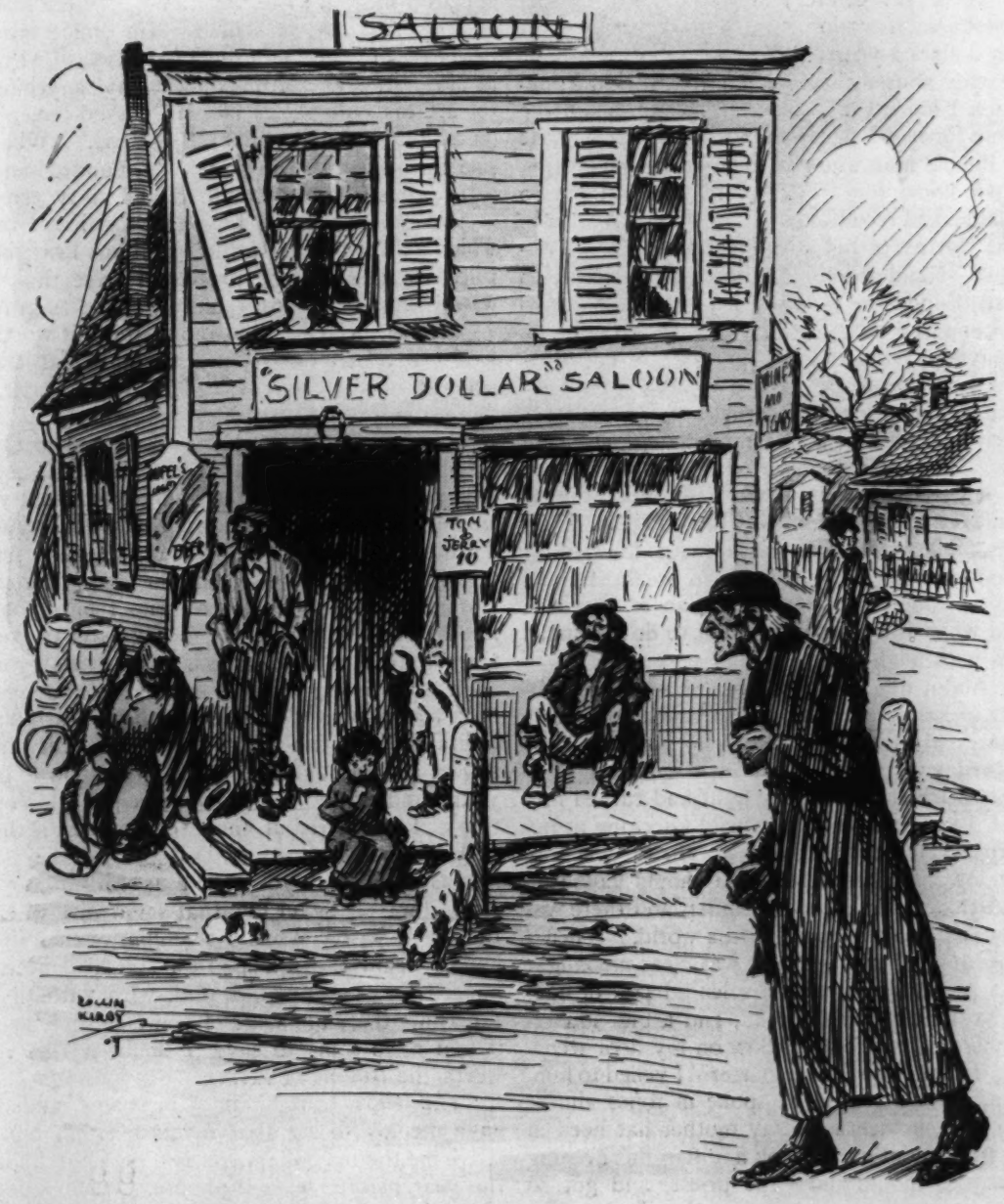
been sent there had practically to be supported out of a diocesan fund on which there were already too many calls, the Bishop, properly enough, resolved to send no successor to the man who had died; because he could not support one, and the parishioners evidently didn't want to support one.

"But, behold ye! twelve months had not passed when they were brought to their senses in Hobson's Hole, and realized that, after all, no matter how carelessly they lived, a priest was a mighty consoling thing to have within call when they made up their minds to strike the long trail. So they petitioned the Bishop to give them another chance, send them a priest, and they would guarantee that he shouldn't want, this time. At first the Bishop was inclined to refuse, and told them flatly that he couldn't bring himself to believe it worth while wasting a good priest upon creatures who, from all he knew of them, could hardly be said to have souls to save. They begged so hard, however, that he promised to reconsider the matter.

"He called myself into consultation, told me



"THERE WAS AN OLD MAN, A FRENCH CANADIAN, SENT THERE BEFORE ME"

the whole circumstances, and asked me whether I would care to venture upon the parish. He anticipated that it would be hopeless to think I could struggle along there at all; but he was wishful to try these people out, and give them no cause for complaint if he had to deprive them again of the administrations of a priest. I said I would go.

"My backbone stiffened by the Bishop's advice and authority, I removed myself to Hobson's Hole — in an aggressive mood, I confess, and armed with just such cast-iron rules as I have been dilating on. The first and chief rule I laid down was that every one who aspired to be of the Church, and to benefit by the priest's ministrations, must make payment of ten dollars a year toward his support. I right heartily abused these people from the altar, because I knew they would appreciate me all the more for it. I upcast to them their treatment of the old man who had gone before me, letting them know that they would not find me so pliable, and recording my vow that, as a servant was worthy of his hire, I certainly, in self-defense, should absolutely and certainly refuse to attend upon the family of any careless, worthless one who did not think it worth while to be a paying parishioner. I knocked fear into their souls, and respect, I tell you. And I must say that a fair number of them came and entered their names in my books immediately, and paid up. My threat not to attend upon the family of any of the delinquents had brought even some of the most careless of them to heel. I saw this, and resolved on no account to spoil its good effect by being induced to break it, under any consideration. I was a man of iron will, and when I made up my mind to do a thing, I saw it through.

"About five weeks passed. I was just getting to know my great parish, and to be deeply interested in it, when, at a very late hour on a Saturday night,—I think it was midnight,— just as I had put out my light and turned into bed, I was awakened by a wild knocking at my door. I jumped out of bed, threw open my window, and leaned forth. I should have said that this was in early December, and there was a heavy cloak of snow on the world. When I looked out, I saw — for it was clear moonlight — a grand sleigh, with a splendid pair of nags in it, standing on the road, and a big, square-shouldered, six-footer fellow on my door-step.

"'Heigh! what's the matter?' I yelled to him. 'Sir,' he said,— and he spoke in tones almost pitifully apologetic,— 'my mother has been ill for three months; she took a notion this evening that she should have the priest, and got so anxious for him, all at once, that he must be sent for instantly — she wouldn't even allow it to be put off till the morning. I'm sorry to get you out of your bed and ask you to come such a journey in the night,'— and here he spoke pathetically,— 'but you see how it is. The old woman's heart would break if I didn't come now.' I said, 'Who are you, and where do you want me to go?' He said, 'My name is Kieler; we live by Hungry Bush, the very farthest farm in the settlement, a little better than sixteen miles from here.' 'Kieler,' I said reflectively, 'from Hungry Bush. Are you on my books?' He began fingering the lash of his whip. 'I'm afraid we're not, sir — leastways, we haven't been to see you since you came.' 'Were you on my predecessor's books?' He didn't raise his head, but said, still fingering the lash, 'I'm afraid not, sir.' 'And didn't pay anything toward his support?' 'No, sir.' 'And haven't paid anything to me, either?' 'No, sir.' 'What size farm have you, Kieler?' 'A hundred and sixty acres, sir.' 'A hundred and sixty acres — just so. Did you hear the conditions on which I came to this parish? Did you hear the rule I made, and the promise I gave that I would on no account'— and I spake angrily — 'attend any one who didn't think it worth while to contribute to my support and the support of the Church?' 'I heard of it, sir,' he said in a timid voice.

"I waxed wroth, and, shaking my fist at the trembling giant, I said, 'You heard of it, and still you — you with your hundred-and-sixty-acre estate, and your grand rig that would make a prince proud — you think that a beggarly ten dollars was of more value to you than a church and the ministration of a priest! and your hundred and sixty acres of mud greater to you than God! And now, in your hour of need, you come and rouse me out of my bed at midnight on a fearful winter's night, and light-heartedly invite me to a trip of sixteen miles over the snows, and through the woods, with you — to your hundred-and-sixty-acre principality! You think,' I thundered at him, 'that a priest is the very dirt under your feet, that you can despise him as the dirt till you have a use for him, and shake him off again like that same dirt when the use is past. What are you better than the heretic,' said I, 'that a priest should concern himself for you? Ah!' I said, with withering sarcasm, 'there are some of you creatures, and if you have souls to save, I doubt if they're worth the trouble of saving.'

"The fellow bent his head in shame, and it gave me joy to see that my lash stung him. 'Give me the ten dollars you owe the Church for this year, before I leave the house. If you'll not of your own accord grant that your priest

"'HAVE YOU GOT TEN DOLLARS TO GIVE ME BEFORE I LEAVE THE HOUSE?'"

deserves ten dollars a year, I'll compel you to see that he's worth ten dollars a visit!' He said, 'Father, I haven't any money on me.' 'All right,' I said; 'go home for it, and when you bring it to me I'll go with you. Good night.' I drew in my head, and slammed down the window. The last glimpse I had of him, he was standing on the door-step, in the same spot on which he had stood to receive my lashing, but with face upturned, looking to the window. His countenance was pale, and there was on it such a poignantly pathetic appeal as made me instantly slam the shutters, lest my stern resolution should weaken.

"I went into bed — but wasn't well laid down when I jumped up again, and peered through a chink in the shutters. I saw that he was moving toward his sleigh — very, very slowly — going bit by bit, and pausing at every pace to look back at my window with that same poignant appeal in his pale face. Before yet he reached the sleigh I coerced myself into bed again, gathered myself up, and lay with clenched hands, resolved to force sleep.

"But I couldn't sleep. After half an hour, when I felt sure he was gone, I arose again and looked out. Yes, he was gone. I threw open the shutters and let the moon stream into my room; I walked up and down for a while, the man in me struggling to down the priest in me. The man conquered — for I returned to my bed. I kept my hands still clenched, though; but I was deceiving myself. I had an ache at my heart. I saw that giant's pitiful face looking at me from all corners of the room. And I saw, too, a poor, sick old woman sadly in need of religious consolation. I said angrily and fiercely to myself, 'You worm, where is your resolution

— where is your iron will?' And often as I said this, I again renewed my resolution. But, quick as I did so, the big fellow's pathetic face would stand out of the half-gloom, staring at me. At length — God forgive me — I almost cursed him for not doggedly remaining at my door a while longer than he did — till I should have had time to weaken.

"A single wink I did not sleep. It was joyful relief to me, you may well suppose, when, about five o'clock in the morning, I heard a great and rapid knocking at my door again. I was up, and had my head out of the window much more quickly than is usual with me. The moon was now gone, but there was light enough for me to perceive a big six-footer standing on the door-step.

"I had won the day. I resolved to show no signs of having relented. 'Is that you?' I shouted in an angry voice. The reply came: 'I beg your pardon. I'm very sorry to knock you up at this hour, but my brother was here last night for you to come to my mother, who is dying. As we hadn't paid our dues, you wouldn't come.' 'And why should I?' said I defiantly; for I was feeling bold again, now that everything was come right. He did not pay any heed to my challenge. 'I have come now,' he went on, 'and I have the money with me. I'll be forever grateful to you if you'll come immediately.' 'Ah,' I said, 'I'll teach you God-forsaken ones a lesson!' He made no reply. 'What about your mother?' I barked rather than asked. 'Well, my mother is still fairly, but I think she's sinking. I'd like you to make all the haste you kindly can. She's very uneasy for you.' 'I'll be with you in a jiffy.'

"I assure you, I wasn't long dressing myself. When I came down, I found that the big fellow was of the same height and build as his brother, and like him in features also. He had a different sleigh, and a different pair of ponies in it, and the sleigh and ponies were of the finest. I was rejoiced to find this; for it gave me good excuse to empty on him the last vials of my wrath, and show myself to him in my worst light. 'You've got to pay me,' I said, in as rude a manner as I could, 'before I put a foot in your sleigh.' He took from his pocket and handed me two five-dollar bills; which, with malignant satisfaction, I put away before stepping into the conveyance.

"We swung over the ground, through the woods, in elegant style; for he pushed the ponies for all they were worth. He hardly spoke during the journey, and I, wrapped in my

"'HERE, MOTHER, IS THE PRIEST'"

"HE DREW BACK FROM THEM AS IF THEY WOULD BESMIRCH HIM"

cloak of disdain, said even less than he. I knew that the fellow was confused with shame, and I wished to let him drain his cup to the last bitter drop.

"When, at length, in the gray dawn, we reached Hungry Bush, I was astonished to find the farm a miserable one, gone derelict, and the house, or, more correctly, hovel, more pitiable than anything I had yet seen in the back woods. I was discomfited. Opposite the door, which hung drunkenly on its hinges, he helped me to alight. His brother, the young man whom I had seen the night before, came running out, doffing his hat, and looking joyful at my coming. He said a word of warm welcome, and adding, 'She's taken a turn for the worse, but this will make her heart happy,' hurried me into a kitchen that was bare, miserable, and cold — from which I stepped into a little low room that was, if anything, more wretched still. Here an old woman was lying on a pallet of straw. She arose on her elbow, with an alarmed exclamation, as I walked into the room. 'Tom?' she said. 'Yes, mother?' my companion replied in a voice full of affection. 'Yes, mother?' and he ran toward her. 'Here, mother, is the priest.' 'Oh, thank God, thank God!' the old woman said, falling back upon the pillow,— 'thank God!' 'Oh, sir,' Tom whispered in my ear, 'you have rejoiced her heart. Here's a seat for you,' he said, placing a rickety chair by the bed-head. 'I'll leave ye for a while. I'll be waiting in the kitchen without for you, when you want me.'

"The poor old woman was truly rejoiced in her soul, as Tom said. 'Ah, father,' she said, 'I have suffered, thinking I'd have to fight my last fight without your strong help.' I muttered something or other by way of reply. What it was I don't know — for suddenly I felt overcome with shame, and with remorse, and with contempt for myself. It was the first time in my life that I fully realized the mean mortal I am. My thoughts ran upon the two dirty five-dollar bills that I had folded in my pocket. Though I had forced them for the Church's sake, I felt as if I had done it for my own miserable sake. I looked around the room; there was no fire in it. If there had been, I believe I would have put those bills into it and inconsiderately consumed them. I lost little time in giving to the old woman the consolations of religion. I learned from her that her husband had been a German; she was Irish. She had come West five-and-forty years before, and was stuck for thirty years in this unfortunate region, where her husband had died. She had reared up her sons about as wild as the trees of

the primeval forest around them. She could not help it.

"I didn't dally long; I had to get back to my little church in time to say mass this Sunday morning. But, on quitting, I was consoled to know that I left this poor old woman happy, and facing her death calmly — almost joyfully.

"'Look here!' I said to the two sons, as they stood in the yard with me, ready to help me into the sleigh. 'Isn't it a shame that two such fine, big, able, strong fellows as you have allowed your farm and your house to fall into such wreck?' Both of them blushed and hung their heads. 'It's disgraceful,' I said.

"'Sir,' said the older boy, the boy who had driven me over, 'sir, we cannot help it. Our father, when he died twenty years ago, left this land mortgaged, and he left us no money; and we have been going in debt every year since.'

"'What!' said I, 'and you big, able fellows, were ye tied to this place when you found you couldn't make it pay? Wasn't America big and wide? And wasn't there money enough in it for the picking up?'

"'Yes, sir; that's true,' and he shook his head; 'but our poor mother wouldn't move away from here, and we couldn't leave her; neither would she ever consent, herself, to part with either of us. We had to stick here, sir.'

"I was confounded. After a few moments I said angrily: 'What is the reason you have never come to mass, and never driven your poor old mother to mass?'

"'Because, sir, we have nothing, only a yoke of oxen, and couldn't drive sixteen miles to mass with that, and make ourselves the laughing-stock of all the Dutchmen, besides.'

"'And this?' I said in astonishment, putting my hand upon the grand rig that waited me. 'And this?' I said. 'And the other fine rig that Tom drove over last night? — What about these?'

"'Sir,' Tom said, 'they belong to our neighbor, a Yankee farmer, and a Protestant. He forced these rigs on us in driving over for you.'

"I could say nothing more. I got into the sleigh. The older brother got in beside me, and drove me back through the woods to my home. When I got off the sleigh at my door, I fingered the bills in my pocket — bills for the possession of which I now inwardly burned with shame. A thought struck me just as I laid my fingers on them, and I said, 'Tell me truth, young man. Where did you get the ten dollars last night?' He blushed and he shuffled his feet. 'Come,' I said, 'give me a straight answer. Where did you get them?' 'Well, you see, sir,' he said, 'when Tom came back, our Yankee neighbor was waiting, and when he learned that you could not come to see my mother until ten dollars were paid you, he ran home and came back with a fresh rig and with the two five-dollar bills I gave you this morning.' 'Exactly,' I said; 'I thought as much. And he cursed me, too, didn't he?' The poor fellow began to shuffle his feet again. I had sprung an awkward truth on him unawares. 'Oh! he never said — he only said — said —' 'I know, I know,' I said. 'He only said what I deserved. I wish none of us may ever have a worse crime to answer to God for than that hearty curse the Yankee heretic gave me. Here's your ten dollars,' I said: 'it would burn a hole in my pocket if I kept it. I'd go again for you to-morrow night — and five times as far, too — go with free heart and good will.' The young man looked in amazement at the bills I extended toward him. He drew back from them as if afraid they would besmirch him, and he drew himself up to his height. 'Sir!' he said, with magnificent indignation that made me feel abominably small and mean. 'Sure, you wouldn't think I would take them back; for God's sake, don't ask me to do *that*.'

"I have no doubt my little congregation wondered why I was so slow in saying mass that Sunday, and why I seemed so absent-minded when reading out the regulations for the coming month. Before I gave them the parting blessing, I said: 'By the way, I wanted to say to you, regarding the strict rule I laid down for the support of your priest and your Church, that, while on no other possible condition can this rule be infringed, I — I — I want to tell you that, of course, where there's a very urgent case,— an urgent case, I say,— and any poor creature going to die, or where people are very poor — or temporarily short of money — or — or — some other good reason — I must, of course, be called upon without hesitation, and immediately — on the stringent condition that you must pay me again when you're able — stringent condition, remember.

"'Another thing, my children' (and I'm sure my congregation marveled at the want of connection, and wondered what was the matter with me at all that morning) — 'all of you have neighbors who do not belong to the same faith as yourselves. Be considerate with them; love them; be generously helpful to them in their need. They are your brothers, after all.'"

SOME FOLLIES IN OUR CRIMINAL PROCEDURE

BY

CHARLES B. BREWER, LL.B.

AN eye for an eye, a tooth for a tooth, and a life for a life, are the familiar words in which the criminal law of the children of Israel was written.

But fashions in law, like other fashions, change. By the thirteenth century the fashions had changed to so great an extent — so many eyes were required for an eye, so many teeth for a tooth, and so many lives for a life — that the subjects of King John of England found it necessary to wring from him the famous Magna Charta in order to ameliorate the conditions for themselves, their children, and their children's children to come.

Now, however, the pendulum has swung the other way; and though conditions have completely changed, adding to and exaggerating the "ameliorations" have continued to be the fashion through so many ages that, in the United States to-day, *only one life is required for about one hundred lives.*

To be more specific: In 1908, in the city of St. Louis, there were ninety-two homicides and only one legal execution. In Chicago, in the same year (fiscal), there were one hundred and sixty-five homicides and again only one legal execution. Horrible as these murder records appear, St. Louis and Chicago do not stand alone, as will be seen hereafter.

After spending an entire afternoon vainly looking through the reports of the Police Commissioners of New York and other cities for comparative records, I found in an evening paper these messages of blood, all concerning New York and all for the same day, as if asserting that New York should not be left out of any statement dealing with crime:

The homicide bureau has never had its hands so full at any time since its inauguration.

July mysteries bid fair to equal the crops of murders that matured last month.

Clues in the Sigel case have come to an end.

The Bersin murder case, hopeless from the first, is no longer discussed.

The brutal murder of the woman in a Thirteenth Street tenement yesterday bids fair to go unpunished.

The sudden deaths of the two Chinamen, Ung Yow of 124 Stanton Street, and Le Hung Fan of 583 Fulton Street, Brooklyn, according to Chinatown gossip, occurred because they ignored certain regulations promulgated by leaders of the most influential tongs.

No light has been cast on the mysterious death of Giuseppi Pogano, who was shot in his room in the tenement at 228 Christie Street as he was about to go to bed at midnight, July 5.

Various reasons have been given to account for the startling prevalence of crime in this country. The most popular among them are the increase in immigration, and lack of adequate police protection.

As to the first reason, it is consoling to a smug complacency to place the responsibility for present conditions on the foreigner. There *is* more crime, proportionately, among those of foreign birth in the United States than among our own native-born. Scarcely enough, however, to cause congratulation for on own righteousness. The foreign population of the United States, according to the census of 1900, is about one seventh of the total. The number of homicides committed by foreigners is, for the country at large according to August Drähms, about one sixth. Even in Chicago and Boston, where the foreign population outnumbers that of other large American cities (except New York, which does not publish similar figures), the percentage of foreign-born is 34 and 35 per cent, respectively. Arrests for felonies and more serious offenses

(homicides are not segregated) numbered in 1908, according to the reports of Commissioners of Police of those cities, but 31 and 41 per cent.

Ratio of "Safety" in Berlin and New York

As to the other reason: A writer in the *Independent* says: "Berlin has 5,303 patrolmen, and is safe. Chicago, with the same population and a larger area, has 2,688, and is unsafe." Quite true, and true also that New York has 10,000 patrolmen. Is New York "safe"? Of course, New York's inhabitants are more than double Berlin's; but Berlin has one patrolman for each 340 inhabitants, and New York one for every 430. Accordingly, we ought to be able to assume that New York is about three fourths safe. Just what "safe" means is not clear, but, as a matter of comparison, we will consider that if a man comes off with his life in New York he is "safe." Our comparison will, then, be made along these lines. We will also make the comparison between New York State and Germany, since the figures for the cities are not available. A man staying in New York State for a year, according to Mr. Shipley in the *American Law Review*, runs about 500 chances out of 7,000,000 of paying for it with his life. (In Germany he will run 322 chances out of 60,000,000.) And if, in case he does so pay for it, his friends would like to see justice meted out to his slayer, they may learn that, of those 500 who take that many of the lives of their fellow beings in New York State, 5 will go to the electric chair, 90 will be committed to prison, and 405 will go scot-free, if the history of the years since 1889, when the electric chair was instituted, is repeated.

No; we should still have enough crime left to give us deep concern even if we should rid ourselves of one seventh, or even of one third, of it by deporting all the 10,000,000 foreign-born. And we cannot make ourselves "safe" by increasing the weight of policemen's clubs.

Eminent jurists and publicists have laid the blame on the loose administration of criminal law. While Secretary of War, Mr. Taft, in an address to the students of Yale University, had this to say on the subject of criminal law administration:

"I grieve for my country to say that the administration of criminal law in all the States of this Union (there may be one or two exceptions) is a disgrace to our civilization."

Some Recent Criminal Courts Decisions

Was the language used by Mr. Taft stronger than necessary? Could it have been influenced by some isolated or local decisions that had come to his notice? Or had he formed this opinion from numberless cases that had come before him for examination during his judicial career? The writer had occasion to ask himself similar questions recently, when he came in contact with a peculiarly pernicious criminal case, and before he had read Mr. Taft's arraignment. In searching for the answer, he found, among others, the following examples from actual cases (either recently decided or recently used as precedents) which were held as sufficient grounds for diverting the ends of justice:

Because the indictment charged that the crime had been committed on a "public road," and the evidence showed that, though constantly used as such, the road had never been dedicated to the State. (58 S. E. Reporter, p. 265.)

Because the stolen shoes were not a "pair," as charged in the indictment. (The thief, in his haste, had picked up two "rights.") (3d Harring, Del., p. 559.)

Because one member of a firm of three names from whom goods had been stolen was dead, and the indictment had named all three. (110 S. W. Reporter, p. 909.)

Because the indictment had charged the burglar with intent to commit a "theft" instead of intent to commit a "felony." (108 S W. Reporter, p. 371.)

Because the indictment charged that the thief had entered the house of one Wyatt with intent to steal from him, and the defense was able to prove that Lamb also occupied the house and it was Lamb's property the thief was looking for. (101 S. W. Reporter, p. 800.)

Because the accused had been indicted for attempting to murder Kamegay instead of Kornegay, the real name. (103 S. W. Reporter, p. 890.)

Because the murdered man's name was Patrick Fitzpatrick and not Patrick FitzPatrick, as charged. (3d Cal. Reporter, p. 367.)

Because the indictment named a specific though a correct date, instead of saying "on or about" a certain date. (Pa. Lower Court, Montgomery Co., 1908.)

Because the lower court had failed to advise the jury that the thief had stolen the goods "feloniously" or with "criminal intent." (89 Mon. Reporter, p. 829.)

Because the indictment had not stated that a "blackjack" (designed especially for cracking skulls) was a "dangerous or deadly" weapon. (60 S. E. Reporter, 782.)

Because the indictment for murder charged that the deed had been committed "unlawfully and with malice," etc., instead of "malice aforethought." (37 Southern Reporter, p. 337.)

Because the prosecuting attorney, typewriter, or some State employee, in complying with all the other antiquated requirements in a string of words as long as your arm, had omitted "was given" in referring to the mortal wound. (68 S. W. Reporter, p. 568.)

Because the indictment of a murderer containing a staggering array of required verbosity did not conclude that the murder was committed "against the peace and dignity of the State." (45 Southern Reporter, p. 913. Alabama Case, 1908.)

Because another indictment equally verbose, and this time containing the clause "against the peace and dignity of State," had omitted the word "the" before "State" and was thus "fatally defective." (109 S. W. Reporter, p. 706. Missouri Case, 1908.)

Considering that hundreds of such decisions are readily available to any one who cares to look for them, is criticism of the courts, and a growing lack of respect for them, to be wondered at?

Of course, it is not intended to convey the idea that judicial decisions on such grounds as those cited above are the rule. The number of such absurd cases, as compared with the total number of cases decided where substantial justice is done, is probably numerically small; yet it is easy to see how their importance is enhanced out of all proportion to their number by shaking the confidence of the public in the courts, and by encouraging lawyers with doubtful cases to multiply appeals. The number, too, though proportionately small, becomes important when we have added to it those that fail to do justice because of the disagreement of juries, since human patience is not equal to an almost unending system of appeals and reversals, through technicalities and trivial errors, through disappearance, by death or otherwise, of important witnesses in the long-drawn-out delays; because of the burdensome cost of transcripts, bills of exception, writs of error, etc.; because of the employment of expert testimony that looks for payment from an interested side of a controversy instead of always receiving its recompense from the State; in fact, in a hundred and one other cases where the attainment of actual and substantial justice is subordinated to the following of worn-out precedents.* In this connection, see (on page 684) what Mr. Taft has to say on the question of reversals for trivial errors.

The Courts Compelled to Work with Antiquated Machinery

A large part of the prevalant criticism of courts, however, should be directed at the laws by which the courts must be guided — the antiquated tools and machinery with which we compel them to work, oftentimes worse than antiquated, in that numerous legislative bodies have patched, repaired, and added to them from time to time, instead of replacing or revoking them. For all laws, both good and poor, are like Government employees, of whom some one has remarked, "Few die and none resign." Hence we are cursed with an accumulation of job lots.

These antiquated tools and machinery, those countless "rights and guaranties" referred to in one of the decisions quoted later, the tricks of "shrewd" counsel and the other means at the criminal's command, place his interests *first*, and place in the background the safety of the general public for whom the laws were framed.

The bulwark of protection thrown around the criminal by our present system, with a view to preventing the possible punishment of the innocent, has made it well-nigh impossible to convict the guilty, if we can place any credence in the statistics cited later. This is particularly true if one accused of crime is a man "high up," who has a long purse at his command and is able to employ that class of "shrewd" counsel familiar with all the avenues of escape which an antiquated, inadequate law leaves open for the prisoner, and ever ready to take advantage of those more numerous avenues of escape which may be broken open by that veritable ram known as "technicality." So much protection has been thrown around one accused of crime that those lawyers who make a living by showing men how to break the law can verily grant a license to those who wish to break it.

Before leaving this part of the subject, let us examine some other more lengthy illustrations of the law's absurdities, similar to the cases cited above:

In Pennsylvania recently, at the trial of a man accused of immoral conduct, one of the witnesses, an officer of the law, was suspected of having been bribed by the accused. When questioned as to his "interest," this witness testified most deliberately to facts which the prosecution was prepared to disprove by two other witnesses. The two other witnesses were ruled out, the decision being that their testimony was "not relevant." After the completion of the trial, which resulted in the acquittal of the accused, attention was called to the matter, with a view to having the witness arrested for perjury. It developed that the witness was not guilty of perjury: he had only "*lied on the witness-stand*" — the point being that the testimony of the witness did not bear *directly* on the guilt or innocence of the accused for the *crime charged*.

Burglary Defined

Take the definition of burglary.† Burglary is the crime of breaking in and entering, in the night-time, another's dwelling-house, with an intent to commit a felony therein. This means

* The Institute of Criminal Law and Criminology, organized in Chicago last summer to study criminal law reform, treatment of criminals, etc., had no fewer than 133 vital problems presented to it by its delegates.

† A few of the States have modified this definition by statute.

precisely what it says. If a door or a window is broken open, or the knob of an unlocked door is turned, or an unlocked window is raised, it is burglary; but if the door or window is *left* slightly open, even as little as an inch, and a thief pushes or raises it entirely open and enters, it is not burglary. It means, too, a "*dwelling-house*"; therefore, if a family is sleeping in a tent or booth, and a thief enters, it is not burglary. If all the other conditions are met, and it happens that the dawn has broken, there can be no burglary; for that part of the definition specifying the night-time is strictly adhered to.

We meet another of these fine distinctions in "larceny," the stealing of personal or movable property, which requires that the thief must get complete control. Thus, if a thief, in attempting to steal a watch, lifts it out of a man's pocket, and it is not attached to the owner by a chain, if the thief gets it into his hand for a moment only, it is larceny and a felony. If, however, the watch is attached to the clothing, even though the pickpocket cannot see the chain, as might well happen in a crowd, he has not had complete control, and the act is not larceny, but only a misdemeanor. The difference in the two terms relates only to the length of the sentence; but if it is your watch, and you wish to see the trial of the would-be thief proceed, you will do well to see that the indictment does not choose the wrong word.

Some one has related how Ben Butler, who had a great reputation as a criminal lawyer, once defended a man charged with larceny. Many thefts had been committed by means of stolen keys which had been carelessly left in doors. The police were on the lookout for the offender, and arrested him, finally, in the very act of removing a key. The man was indicted for larceny of a key. As stated above, larceny is the stealing of personal or, generally speaking, removable property, as distinguished from real estate. Butler's defense was that the man's act could not be larceny, for the key was a part of the lock, the lock a part of the door, the door a part of the house, and the house was real property. No conviction.

The following story of a case within his knowledge is credited to Mr. Justice Brewer. Defendant's counsel, well knowing the answer, but for the purpose of securing a chance to appeal the case, asked the witness, "What did Mary say?" An objection, for which he had hoped, was raised by the other side, and the court sustained the objection. As planned, an exception was taken to the judge's ruling. The higher court reversed the trial judge, and the case came up for a second trial. At the second trial, the witness was again asked the question, and was told he must answer. The answer which had been awaited a year or more was, "Mary said nothing."

Some Legal Avenues for the Criminal's Escape

After arrest, one who is accused of crime generally faces the magistrate for what is termed a preliminary hearing. The magistrate is the first link in the long chain of discretionary power. He can discharge the accused if he sees fit, or he can hold him for a further hearing. For those held by him he prepares a "transcript" for the use of the District Attorney in presenting the case before the Grand Jury. The Grand Jury is also given discretionary power, and can discharge the accused if it sees fit, or can find a "true bill," as it is termed. Either the District Attorney or counsel for the accused can recommend to the trial judge that the case be dismissed, or the judge can dismiss it on his own initiative.

Probably one fifth of those arrested are left to face their trial, and the selection of the jury is begun. The Gilhooley and Shea cases, referred to hereafter, illustrate how formidable a part of the proceedings the selection of a jury may be made, and what a chance is here given for the beginning of what is too often a miscarriage of justice.

After the selection of a jury is completed, the actual trial is begun, and, in most serious cases, the counsel begin a series of absurd wrangles about the choice of words in the indictment, about what constitutes admissible evidence, whether it shall be heard when offered, later on, or at all. It has often been remarked that during this stage of the proceedings the judge, and not the prisoner, is on trial — that a trap is being set for him, an examination in which, if he passes perfectly on a thousand and one questions, but slips up on only one, often immaterial to the guilt or innocence of the accused, the counsel for the accused has "scored" and a new trial is assured.

When the evidence is all in, and the counsel on each side have finished their orations, the judge may deliver his charge to the jury, taking care that he shall not by deed, word, or even tone give the jury any idea of his opinion in the case, either against or in favor of the prisoner (the latter has been held to be as fatal as the former). The following case illustrates this point (138 California Reports):

In 1900 a Dr. Huntington, charged with performing a criminal operation, was tried, convicted, and sentenced to ten years in the penitentiary. He had been indicted for murder, but the judge mercifully told the

jury that under certain circumstances they could bring in a verdict of manslaughter. This was, of course, greatly in the prisoner's favor and secured him the lighter sentence. The case was appealed, and three years later, because of the instruction, though in the prisoner's favor, was reversed. The District Attorney prepared to try him again in 1907, but the constitutional requirement that no one shall be twice put in jeopardy for the same offense stared him in the face. Seeking to find a means to bring the man to justice, the judge proposed to try him for murder and punish him for manslaughter. The higher court interfered, holding that the conviction of manslaughter had acted as an acquittal of murder. The higher court said: "We know of no case where a court could proceed to try a defendant for an offense of which he has been acquitted. He cannot be tried for manslaughter, because he could never be accused of it; nor for murder, because he has been acquitted." [Note the following words of this rare judicial decision — they are worth remembering.] The court was afraid, as it expressed it, that "he may be convicted of a crime which the evidence shows he did not commit, for the reason that the evidence shows that he did commit another crime of which he has been acquitted."

The convicted one went free.

The manner in which the requirement of a nice choice of words in the indictment, and the constitutional safeguard that no one shall be twice put in jeopardy for the same offense, can be abused, was illustrated in a recent case in the District of Columbia.

Two pianolas had been stolen. The indictment read "two pianos." Witnesses were brought in who testified that *pianolas* had been stolen, and not *pianos*, as charged. The indictment fell down and the accused was discharged. A vigilant District Attorney was on hand, however, and promptly had the accused re-arrested, charged with stealing two pianolas. The "shrewd" counsel defending the accused had a new set of witnesses this time — experts. The experts were able to convince the court that, after all, *pianolas and pianos were the same thing*. The court ruled that, having been tried once for stealing pianos, the accused could not twice be tried for the same offense. The fact that two musical instruments had been stolen seems to have been overlooked.

This time the unconvicted one went free.

But, to return to trials in general. If, when the judge is ready to deliver his charge to the jury, all the twelve men are sufficiently robust to have escaped incapacity during the long-drawn-out proceedings, the trial continues. If one of these men, however, falls ill at any time, it must be started all over again, for we must have *twelve* men.

We will suppose a case in which all the jurors are robust men, and that they find a verdict of guilty. The verdict must be ***unanimous***. In another part of this article, the prisoner's chances in the unanimity requirement are discussed.

After the trial has gone this far, if the trial judge decides that the accused has been convicted against the law, or against the evidence, he has the right to set the verdict aside and grant a new trial.

If the case is important, and a new trial has not been granted by the trial judge, the chances are about even that some of the exceptions taken to in the judge's rulings by "shrewd" counsel will secure one by means equivalent to some of the ridiculous examples already cited.

The prisoner is also favored by the absence, on the part of the State, of the right to appeal. This gives the accused a much greater advantage than at first appears; for judges are only human, and, in case of doubt on any ruling, it is natural that the inclination would be to make it against the prosecuting attorney — knowing that, if given against the accused, the judge stands a chance of being reversed, whereas the prosecuting attorney must take his medicine with docility.

The Prisoner's Chances with the Jury

The exact origin of the jury system is not certain, but it dates back to the Normans. Originally the jury not only judged the facts in the case, as now, but they were often witnesses, selected for the very reason that they were familiar with the case.

This has been so changed as to make knowledge of the case on the part of the juror ground for a challenge; and if a verdict is influenced by knowledge on the part of one juror alone, a new trial will be granted. The oath requires the jurors to try the particular case according to the evidence. The "evidence" was in early times construed to mean that they should try it according to the best of their knowledge. In France, the jury now decides the case according to "their conscience and secret convictions."

The ***unanimous*** verdict is a requirement of the common law. In his work on constitutional law, Judge Cooley says "it is retained without inquiry or question because it has existed from time immemorial," and declares that the rule is "repugnant to all experience of human conduct, passions, and understandings."

It is not uncommon to hear of eleven men giving way to one. It is not unheard of that the one has been bought. If we give it a moment's thought, we realize that, to buy a jury, *only one man need be bought*. If this man cannot secure an acquittal, he can cause a disagreement, which in effect often produces the same result.

The Twelfth Juror

In a recent murder trial in Maryland, eleven jurors had been chosen without difficulty. To the twelfth an objection was raised by the

counsel for the defense. Objection to another, and yet another, followed. This continued time and again, until, finally, one was selected to whom no objection was made. This jury retired, and, after many polls, reached a verdict of "not guilty" without having left the room and with no one having entered. The verdict was announced, and one of the jurors hastened by a short cut to a near-by barber shop. As he entered, the barber, just having shaved the counsel for the accused, was listening to his conclusion of a recital of how each vote had been polled. The astonished juror recalled an open window in the jury-room, near which one of his companions, the twelfth man,— the one, too, who had stood out for acquittal against all the others,— had habitually stationed himself. Through this open window the information must have passed in notes. Was it done for love?

In another recent case, in Pennsylvania, a man was reported to have expressed himself to a crowd of half a dozen men as anxious to get on a certain jury to convict the accused, whom he regarded as dangerous to society. Among that half dozen men was one we will call Mr. A., a friend of the District Attorney. Imagine, if you can, the feelings of Mr. A. afterward to hear that the jury, which acquitted the accused, was reported to have stood eleven to one for conviction, and that the juror who held out and swung the other eleven was the individual who had before trial been so anxious to convict; and to hear, further, that this same individual had announced, as soon as the jury retired and he was behind closed doors, that he would *never* convict, and was prepared to stand out any length of time. To think that the juror had chosen a crowd in which Mr. A. stood for the very purpose of letting his supposed attitude become known to the District Attorney, thus to escape being challenged by him, may appear unduly suspicious; but, in view of the fact that the accused was equipped with a long purse, and that other charges of being "approached" had been made, and remembering this juror's expressed sentiments and his different vote, it looks as if he deliberately chose Mr. A. as one of his auditors.

The unanimous verdict, which is clung to in all except one or two States of the Union, does not obtain anywhere on the continent of Europe. Some of the European countries require a three-fourths vote, some a two-thirds, and some only a bare majority.

The "Unanimous" Verdict Often the Verdict of One Man

That the unanimous verdict is actually unanimous must appeal to thinking people as more apparent than real. There are few cases about which twelve men picked at random will arrive at the same conclusion. The result is that the verdict rendered is, usually the result of a series of votes and mental shiftings — not even the conclusion of the majority, but that of a few of more tenacious tendencies. It is well known that oftentimes it is the verdict of one man only. How often is that one man bought?

In Texas, it has been judicially decreed that, so long as the jurors have not previously agreed to abide by the verdict, they may in civil cases write their unanimous (?) verdict by adding 12 voted amounts and dividing the total by 12.

By retaining this requirement of a unanimous verdict, we, who so love liberty that we will not thus far trust our judges, deliberately take twelve times the chances by intrusting it to the hands of *any one of twelve men*, all of whom are oftentimes less conscientious, and quite sure to be less able to draw correct conclusions from the evidence, than the average judge.

We cannot too soon have a three-fourths jury law.

The Criminal's Chances in Different States

Reliable criminal statistics are difficult to obtain. An act of Congress in 1906 authorized the Director of the Census to collect statistics of court records, ratio of convictions, the punishment of crimes, etc. These statistics, the publication of which has been delayed, will, when issued, throw some light on the subject. For example, the census reports for 1904 give the ratio of persons *in prison* for homicide as eight times as many in some States as in others, and, taking the highest and the lowest records, Arizona has fifteen times as many as Massachusetts. After the court records are compiled, it may be shown that a lax administration of justice is sometimes responsible for a seemingly righteous condition.

Massachusetts will probably appear in a particularly unenviable way. For, according to Mr. Maynard Shipley, in his plea for the abolition of the death sentence in a recent number of the *American Law Review*, Massachusetts courts have shown the smallest percentage (5 per cent) of convictions in homicide cases of any of the eight States referred to by him. This record, for 1901 to 1907, indicated an efficiency just one half that of a record of fifty years before, when it was still the lowest of the States named by him, except Idaho, which showed not a single conviction in three years for twenty-one indictments for murder in the first degree.

Recent records of a large number of cases in

New York indicate that, for general crimes and offenses, the number arrested is reduced at the various stages about as follows: 30 per cent are held by the magistrate; the Grand Jury reduces this to 24 per cent; and the judge, by dismissal without trial, to about 18 per cent; and that all except 14 per cent are free after the first trial.

Taking the record of a year, new trials, according to the report of the American Bar Association, were granted in 46 per cent of all the cases brought under review of the appellate courts of the country.

According to a letter relating to the revision of the New York laws, written to Mr. Choate by Mr. Crane, a prominent London barrister, new trials were granted in England in only 9 cases out of 555 reviewed, and, in the ten years previous to 1900, new trials were granted in less than 3.5 per cent of the cases reviewed.

Mr. Justice Brown, of the United States Supreme Court (retired), who was on the bench for over thirty years, once said that in serious criminal cases the rendering of a verdict is only the beginning of the trial. This judge, several years ago, proposed the abolition of the right of appeal in criminal cases; but the proposition, for some reason, did not meet with sufficient favor to secure results.

*Obstructions to Speedy Trials**

The Iroquois Theater fire in Chicago, December 30, 1903, as many will remember, resulted in the loss of nearly six hundred lives. The proprietor of the theater was indicted two months after the fire. The indictment was considered by the judge for three months, and then quashed. A year passed, and in March, 1905, a new indictment was drawn. The judge considered it for seven months. Finally, in March, 1907, over three years after the fire, the case came to trial. The accused was acquitted. "Not because the defendant might not be morally guilty," as the judge expressed it; "but he was not legally guilty, because the indictment had been framed on building ordinances, and the ordinances were defective"—not the indictment itself this time, it may be noted.

Delay in impaneling the jury, which is becoming more and more in order, is instanced by two recent Chicago cases. In the first, known as the Gilhooley case, nine and a half weeks were consumed, and 4,150 talesmen were examined, at a cost to the State of about $20,000.

The second, known as the Shea case, required thirteen weeks for the calling of 10,000 men and examining 4,716 talesmen, and this at a cost of $60,000. After this well chosen jury was selected, at such lavish expenditure, there was a second trial, and the selection of the jury was modestly confined to twelve days. (Mr. Justice Brown, in a conversation on this subject with the writer, said that this part of a trial should never consume more than one or two hours, and that, in his opinion, it was the paramount abuse in criminal procedure.) Mr. Crane, before referred to, states that "many lawyers who have been in practice for twenty years or more in England have never known a juror to be objected to or to be excused for cause."

Delays of this kind had become so aggravated in New York, a few years ago, that one Kings County court was three years behind its calendar, with 10,000 cases on the docket.

Professor Garner cites a case within his knowledge where a man was kept in a Milwaukee jail for ten months, awaiting trial on a charge for which the maximum penalty was ninety days' imprisonment.

It is well known that, in this country, often many weeks, and sometimes months, are consumed in murder trials. Mr. Taft is authority for the statement that, in England, murder cases usually take one, sometimes two, and at the most three days.

England Has a Lesson for America

With our progressive American methods of despatching other classes of business, why should the comparison of the American and British courts prove so against us? asks Mr. Justice Brown. Answering his own question, he says:

"A court in conservative old England will dispose of a dozen jury cases in the time that would be required here for despatching one. The cause is not far to seek. It lies in the close confinement of the counsel to the questions at issue, and the prompt interposition of the court to prevent delay. The trials are conducted by men trained for that special purpose, whose interest is to expedite, and not prolong, them. No time is wasted in immaterial matters. Objections to testimony are discouraged, rarely argued, and almost never made the subject of exception. The testimony is confined to the exact point at issue. Mere oratory is at a discount. New trials are rarely granted. A criminal trial is especially a serious business, since in the case of a verdict of guilty it is all up with the defendant, and nothing can save him from punishment but the pardoning power of the Home Secretary. The result is that defendants rarely escape punishment for their crimes, and homicides are infrequent."

* Data taken from an article by Professor Garner, University of Wisconsin, in *Annals of the American Academy*, 1907.

On this subject Mr. Taft is again quoted. He makes the suggestion that the restoration to the statutes of the procedure "by which the verdict rendered is the result of the independent judgment of the jury, guided by both the judge's instructions as to the law, and also by his suggestions and comments as to facts, could work no injustice to any person brought into court, and would secure not only greater efficiency in the enforcement of the criminal law, but also much greater speed in the disposition of cases."

Why Our Courts Are Not Administered as Intended by the Constitution

Three quotations from various sources, made at different times and in different places, when placed together bear a close relation to the subject we are discussing, and throw an unwelcome light on our methods of dealing with criminals.

The first quotation, on the actual state of criminal administration to-day, is one already quoted in the first part of this article. Mr. Taft's words, repeated, are:

"I grieve for my country to say that the administration of criminal law in all the States of this Union (there may be one or two exceptions) is a disgrace to our civilization."

The second quotation, on what our courts were intended to be, is taken from a speech before Congress by Representative Moon of Pennsylvania, chairman of the Committee on the Revision of Laws, the criminal part of which is now before Congress. Though referring particularly to the Federal courts, the remarks apply equally to the State courts. Mr. Moon's remarks were, in part, as follows:

"The distinguishing feature of the American Constitution is that it places the courts above the courts of any other nation of the world. If I were asked to state, in brief form, the respect in which the American Constitution differed from any other nation that had ever existed, whether of a monarchy or a republic, I would answer that the great departure made by the nation-builders in forming this Government was to make its judiciary a distinct, organic, and coördinate part of that Government. . . . Upon these courts have been placed, by the organization of this Government, greater power, greater responsibility, and greater dignity than were ever placed upon the courts of any nation of the world."

The third quotation, which in a large measure points to the reason for existing conditions by showing what the courts too often regard as the criminal's rights, is taken from a case (reported in 175 Missouri) in which the judge of an appellate court reversed the decision of a lower court in one of the bribery cases in St. Louis, where nineteen councilmen were concerned in a bribe of $75,000. These cases were prosecuted by Mr. Folk, whose zeal attracted widespread attention and commendation at that time. The court, in concluding a lengthy opinion, said:

"This record contains so much uncontradicted evidence of venality that it is little wonder that decent people of all classes are appalled at its extent. The *sole consideration* of this court has been to determine whether the defendant was convicted in compliance with the laws of the State. The crime charged is one of the most heinous known to our criminal procedure. If guilty, the defendant should be punished, but it is the high and solemn duty of this court, from which it shall not shrink, to require and exact that, *however guilty he may be*, he shall be punished *only* after having been accorded every *right* and *guaranty* which the organic and statute law of the State secures to him, and not only to him but to every other person charged with crime, before he can be deprived of his liberty." (The italics are mine.)

The court then reversed the conviction of this man, whom it clearly considered guilty of bribery, for two or three unimportant points in the evidence, and because the court's instructions to the jury went slightly beyond what was specified in the indictment.

The opinion as to its duty, expressed in the decision of this court, is not an exceptional one. It is the rule by which many courts feel bound, and shows how, under our present laws, trivial incidents and technicalities are made to defeat the ends of justice. In a large measure, it points to the responsibility for our shockingly serious condition.

In an article in the *North American Review*, based on a speech made before the Civic Association of New York, Mr. Taft, in commenting on a decision of the United States Supreme Court, made the following remarks, which aptly apply to the class of cases just cited:

"When a court of highest authority in this country interposes a bare technicality between the defendant and his just conviction, it may be pertinent to inquire whether some of the laxity in the administration of criminal law may not be due to a proneness on the part of courts of last resort to reverse judgments of convictions for narrowly technical error. There ought to be introduced in the statutes of every State of the United States in regard to appeals in criminal cases, and indeed in regard to civil cases, a provision that no judgments of a prior court should be reversed except for an error which the court, after reading the entire record, can affirmatively say would have led to a

different verdict and judgment. This would do no injustice and would end reversals for technicalities."

The Legal Executions for Twenty Years Outnumbered by the Lynchings

In view of all the protection that we give the criminal, all that his counsel secures for him, all the "technicality" and all the delays and abuses recorded in the foregoing, can any surprise be expressed that a prominent criminal lawyer of New York, Mr. Henry L. Clinton, who has published a volume on his "Extraordinary Cases," having defended over one hundred murderers, is credited with having saved all from the death penalty and entirely acquitted many?

Can we wonder that crime has so increased, and trials have been so prolonged, that it has been estimated that crime costs New York City annually $18,000,000, the city and State together $38,000,000, the various States of the country $697,000,000, and the States and Federal Government together more than $1,000,000,000?

Can we resent the statement of Ex-President Andrew D. White to the students of Cornell University that he had become convinced that the United States leads all the civilized world — with the possible exception of lower Italy and Sicily — in the crime of murder, and especially in unpunished murders?

Should we feel horrified that information tabulated by the Chicago *Tribune* reports 132,000 homicides in the United States for the twenty years previous to 1904, an increase of nearly 400 per cent for the period, and that only 2,286 executions (1.7 per cent) resulted therefrom?

Have we the right to feel indignant that the number of lynchings in the same twenty years actually *outnumbered the legal executions*, running as high as 241 in a single year, against the record in England, Scotland, Ireland, and all British possessions, of not a lynching in seventy-five years?

Some Alarming Figures

And, finally, should we rest easily under our present system, and congratulate ourselves over other countries with less tolerant laws, when comparisons can be made by such figures as the following?

In Germany, with a population of about 50,000,000, the homicides reported in 1903 were 322. In the United States, with about 80,000,000 population, the homicides in the same year numbered 9,000, about thirty times as many. The World Almanac reports that in 1895 (no record for 1903) the convictions * in Germany numbered 95 per cent; in the United States 1.3 per cent. These figures, reduced to population, would give Germany one unconvicted person at liberty for each 3,000,000 of population — the United States one for each 9,000.

Figures were given in the early paragraphs of this article from official reports of 1908, crediting St. Louis with a ratio of legal executions for homicides committed of 1.1 per cent, and Chicago with .6 per cent. The record in this latter city is 2,113 homicides in 29 years, with 38 legal executions resulting — 1.3 per cent. From the *American Law Review* article previously referred to is deduced the following: For 720 homicides in Connecticut, from 1897 to 1906, there resulted 9 legal executions (1.3 per cent); for 2,500 in Colorado, from 1889 to 1897, there resulted 12 legal executions, .5 per cent; for 6,600 in Ohio, from 1884 to 1906, there resulted 52, again .5 per cent; and for 8,800 in New York, from 1889, the year the electric chair was instituted, to 1905, there were 88 legal executions, 1.1 per cent.

Mr. Shipley has given us some interesting information, showing what became of a small part of those 8,800 who slew that many of their fellow beings in New York. In addition to the 88 who were sent to the electric chair, there were in New York prisons in 1906 just 25 convicts under sentence of murder in the first degree. Some, of course, had served their terms; but the total number of convicts in the State that year was 493. Barring those that died a natural death, this leaves over 8,300 murderers, manslaughterers, or whatever they were judicially decreed, at liberty to prey upon another set of victims.

Does Abolition of the Death Penalty Increase the Number of Convictions?

Extended reference has been made to the abnormally low percentage of executions for homicides, and to the markedly low number of cases of lesser crimes where judges and juries have failed to convict. This article has failed in its purpose if the impression has been given that the writer believes conviction should follow each indictment, and an execution each homicide. Such an "eye for an eye" policy would plunge us into a condition that would be intolerable.

Referring to homicides, it should be pointed out for the benefit of the lay reader that under

* "Convictions" probably intended to have been written "executions."

"homicide" the law includes, briefly, "murder," * where the killing is either actually premeditated, or under certain aggravated circumstances constructively so; "manslaughter," voluntary or involuntary, where extenuating circumstances accompany the killing; "justifiable homicide," such as killing in self-defense when without fault and where actually necessary to save one's life or to prevent great bodily harm; and "excusable homicide," such as the result of an accident unaccompanied by any unlawful pursuit and free from criminal negligence. The death penalty is not prescribed for any homicides except part of those that fall under the first head, "murder," and the strictest construction could, therefore, not look for executions to follow all cases of homicide. The purpose of this article is not to suggest that an execution should follow each homicide, but to show that the abnormally low percentage of legal executions that follows an outrageously high number of homicides, as compared with other countries, may be taken as an index to a startling amount of general lawlessness, and to the corresponding responsibility for it. Indeed, the wisdom of the death penalty in any case may be seriously doubted, and its abolition in several of the States is believed to have lessened crime considerably, by securing a marked increase in the number of convictions — from jurors willing to punish, but unwilling to prescribe death for a fellow being.

Referring to the comparatively small number of convictions in criminal courts, the reader should not, of course, lose sight of the fact that the first duty of the prosecuting attorney is to bring out the truth, rather than to procure convictions. It is understood that in some States the compensation of the prosecuting attorney has been based on the number of convictions obtained. It is easy to see how serious harm could ensue from such a practice. This has frequently been illustrated when the practice has been followed of paying fees to the police for each arrest made.

But, reverting to the primary duty of the prosecuting attorney, it should be pointed out that his difficulty in bringing out the truth is met where the accused is *guilty* and the truth is unwelcome. It is then that the "shrewd" attorney for the defense has the advantage of an over-tolerant law, and proceeds to abuse it. Well-directed and properly governed tolerance for the protection of the innocent is essential. Exaggerated tolerance, and its use by the "shrewd" lawyer as an advantage to license crime, is soon regarded as a thing to be purchased, and is demoralizing.

The object of law is to protect rights and to redress wrongs, to secure the greatest good to the greatest number; and sound reason, not always apparent on the surface, is often behind what appears a stupid, unreasonable law. But our law is largely based on the old common law of England, and the same sound reason was behind her laws when, a few years ago, with a record for delays and abuses equal to ours, she awoke from her lethargy and succeeded in revising the provisions of that old common law, and in untying many of the knots tied into it by foolish statutes and customs of past ages, with the results cited in the remarks of Mr. Justice Brown.

The revision of the laws of the United States, last revised in 1878, is now before Congress. The recommendations of the committee in charge are principally for a proper arrangement of the laws only, placing them in such order that they can readily be found — certainly a long-felt want. A few crimes are also added to the list. Nothing, however, is now proposed for the relief of the situation described herein. This revision, however, has been going on for many years, and it is just possible that the Commission referred to in President Taft's message may yet have something to say on the subject before it is finally disposed of, and that the various State legislatures may follow a good example thus set, and inspire respect for the law by "making the law respectable" and by making its administration something more than a thing to be laughed at.

As the revision of this article is completed, something has occurred of a nature so startling that it seems to call for special comment — an occurrence that cannot but give a most violent shock to all except those of distortedly optimistic views. We are told in blazing headlines, concerning lynchings in Cairo, Illinois, that "*The 'ladies' were the first to pull the rope.*" Boasted civilization of the twentieth century! Where is it hiding?

The mayor of the town, in publicly apologizing for the lynching, told of sorely aggravated cases of juries parleying with justice.

It is only a short time since lynchings occurred only in former slave-holding States. Nine States in the northern section of the country have now been added to the list. Together, these have brought up the number of lynchings to exceed the legal executions of the country, as already noted. And the pity of it is that the shame is on the law.

* In many of the States murder has been made by statute into first and second degree murder, according to the manner of the killing, the definition remaining the same.

WHAT WHISKEY IS

BY

H. PARKER WILLIS

DURING the fiscal year 1909, 116,852,908 gallons of spirits were distilled from grain in the United States. What the value of this flood of liquor may have been cannot be positively stated. The output of the distilled, malt, and vinous liquors, and allied products in the year 1905 was reported by the Census Bureau to be worth more than $440,000,000. In the year 1909, 1,591,738 gallons of brandy, 610,305 gallons of rum, 2,497,070 gallons of gin, and 56,183,652 gallons of whiskey were placed on the market in the United States. The total value of all these products at the place of manufacture was probably not less than $135,000,000. But these figures in no way measure the cost of distilled liquor to the consumer. They do not include the Government internal revenue tax or the cost of wholesaling and retailing the "goods." As sold in the "saloon" at ten or fifteen cents a "drink," the cost of whiskey, or what passes for such among consumers, is not less than six dollars a gallon. This would mean that the annual bill of the American public for whiskey alone would be much more than $300,000,000. There are many who place it at twice as high a figure because of the excessive adulteration undergone by the liquor for the purpose of increasing its volume.

Does the consumer of these liquors, who pays for them in millions of dollars, buy them merely for their intoxicating effects, or for special merits that he believes they possess? The high value of trade-marks and labels seems to show that there is more in a name than the consumer himself would admit, and all that is known about the business, as well as about the tastes of the public, supports the theory that the name or label attached to a given beverage is an important factor in the price. Yet, what liquor means to the consumer and what it means to the manufacturer are two very different things. The consumer is largely a drinker of names and labels. The man of science recognizes that today the terms whiskey, brandy, etc., which the consumer takes to be hard and fast classifications, may mean any one of several things, and that there may be a decided variation in the physiological effects of the liquors thus designated. In no branch of the liquor business is there more profit for the manufacturer, and less real knowledge on the part of the consumer, than in that which produces whiskey.

Whiskey is now made by two entirely different processes, each of which presents several sub-classes of articles. The trade in general speaks of whiskey as "straight" or "rectified." The terms "blended" and "compounded" are also applied to different classes of rectified goods, "blended whiskey" being the popular name for rectified spirits sold as whiskey. It is pretty generally admitted that whiskey, to be whiskey, must be made from grain, and from grain only; that brandy must be made from fruits, and rum from molasses. But, subject to these very broad limitations, processes of manufacture vary widely.

In the process of distilling grain, a liquid known as "high wines" is the first product of manufacture. This is the basis from which various products are subsequently developed. When the high wines are taken direct from the distilling apparatus, they are crude, raw, and undrinkable. But if they are kept for a time in charred oak barrels, the more poisonous elements, or "higher alcohols," amounting probably to not more than one or two per cent of the total volume, are chemically changed. Although the liquor, thus modified, loses few or none of its poisonous qualities, it becomes consumable. It is then "whiskey."

During the aging process the high wines absorb some sugary elements and some coloring matter from the char of the barrel, and to these are due the rich amber color and the oily "bead" that appeal to the connoisseur. The ordinary drinker derives enjoyment from reflecting upon the length of time that the rare old product has been stored in oak, and finds a pecuniary justification for his preference in the fact that the older the product is, the more it

costs. This increase in value is due to several circumstances. The longer whiskey is stored, the greater is the chemical change through which it passes, but, at the same time, the greater is the loss due to evaporation. Besides this actual net waste, the cost of storage, the loss of interest on the capital invested, the insurance charges, and the expense of maintaining the whiskey at a high temperature while in the warehouse, as well as other items of outlay, make the cost run up rapidly. Even without the internal revenue tax of $1.10 a gallon, whiskey properly aged would be a rather expensive drink.

The Rectification of Whiskey

Liquor-producers long ago saw that if some cheaper way of obtaining the same results could be devised, the saving would be enormous. Therefore, in order to effect this purpose, they resorted, in many cases, to a process of purification or to a further distillation or to both. By carrying the distilling process to an advanced point at which the high wines, the early product of the grain, was almost entirely deprived of its admixture of higher alcohols, they took out the bulk of the most poisonous constituent, known as "fusel oil." The trouble with this process was that the final output, technically known as "cologne spirits," was a tasteless and colorless liquor, so strong as to be intolerable to the human system. It was easy to reduce the liquid to "proof" by mixing it with about one half its volume of water, but the resultant fluid remained as tasteless and colorless as the cologne spirits, and the aromatic elements, the oily "bead," and the color had disappeared together. To make it attractive to the ordinary drinker, materials had to be added, designed to imitate the appearance of the high wines aged in oak, and commercially known as whiskey. "Rectification" was the term applied originally to this purifying of the crude product, but later used to describe the whole process of building up a liquor.

As long ago as the Civil War period, when Congress was looking for sources of revenue, a good deal of criticism was directed against the methods of making liquor then in vogue. As conservative a man as John Sherman regarded the process of rectification as akin to adulteration; and Senator Garret Davis of Kentucky, more outspoken than Sherman, said that "one barrel of genuine . . . liquor taken to the city of Cincinnati will produce from three to four barrels of rectified whiskey. . . . They put red pepper in the barrel; they put raw tobacco in the barrel; they put soapsuds in the barrel; they put arsenic in the barrel; they put strychnine in the barrel; and a great many other villainous compounds that I do not remember. . . . If anything can be done to prevent the rectification of . . . whiskey . . . by tax upon the liquor, I say, let it come as heavily as it can."

The kind of "rectification" that Senator Davis described was employed with Bourbon or straight whiskey as a base; but the rectifying process, like most methods of manufacture, has been developed until to-day rectified "whiskey," in very many instances, is made without the use of a single drop of straight whiskey. As President Taft has expressed it, "It is undoubtedly true that the liquor trade has been disgracefully full of frauds upon the public by false labels." Artificial and chemical coloring and flavoring matters are relied upon entirely, although these are not in all instances the same as those against which Mr. Davis spoke so strongly in 1862.

The Investigation of the "Whiskey Trust"

In 1893, when the House of Representatives was studying the "Whiskey Trust," various distillers and whiskey experts appeared before it to explain how the liquors were then made. The prevailing practice, they testified, was to add to a quantity of spirits, first, some sugar syrup for sweetening, and then so-called "whiskey essences," designed to provide the flavor and aromatic qualities that had been lost in the process of distillation. Among such essences mentioned to the investigating committee were so-called "Bourbon extract," "rye oil," "rye extract," "rye essence," "Pittsburg rye essence," "Monongahela essence," "malt essence," "Irish" and "Scotch essence," and "corn ether." With these "essences," a little sugar, and a sufficient quantity of spirits, a skilful man could manufacture whiskey of any age or origin. In fact, as a well-known rectifiers' agent testified on another occasion, nine-year-old whiskey was merely ordinary spirits with the added chemical qualities that should appear in whiskey that had been kept for nine years.

In 1906, James R. Mann, a member of Congress from Illinois, showed the House of Representatives samples of the various ingredients, and explained that all the outfit needed to start a complete whiskey-manufacturing establishment on a small scale was "a bottle of cognac oil, a bottle of Scotch whiskey essence, a bottle of Irish whiskey essence, a bottle of bead oil, a bottle of Bourbon whiskey oil, a bottle of rye whiskey oil, a bottle of aging oil, a bottle of caramel, and a bottle of 100 cubic centimeters of

proof alcohol." Mr. Mann further explained how the various liquors were made, and said that, to manufacture Irish whiskey, a bottle of 100 cubic centimeters of proof alcohol was taken as the base, and was combined with three drops of Irish whiskey essence, two drops of bead oil, and two drops of caramel. "To make rye whiskey," continued Mr. Mann, "one drop of rye whiskey oil, two drops of bead oil, two drops of aging oil, and from seven to ten drops of caramel were added to 500 cubic centimeters of pure alcohol." Bourbon whiskey and other liquors were produced by the use of the same ingredients in varying proportions.

This only showed that the methods established in 1893 had prevailed continuously until 1906, for during the Whiskey Trust investigation, William M. Hobart had given a similar explanation of how not only whiskey but other liquors were produced. In answer to the question "How do you flavor gin?" he answered: "We simply take spirits and put in about forty drops of the essence of gin, which is made from the juniper-berry. That makes it gin."

"You take these spirits and put in some other essences and it is Jamaica rum?"

"Yes; the spirits will take any flavor."

"Then you put some other of these essences in some spirits, and it sells for rye whiskey?"

"Domestic rye."

"And Bourbon?"

"Yes."

"Any brand of whiskey you want?"

"Yes; it can be made with these flavors."

Later, when Mr. Hobart was asked about the extent of such practices, he said: "There is not a house in the trade that does not understand it."

It is also true that in many instances the ordinary whiskeys sold over the "bar" or by quantity are made without the use of such essences for flavoring. In place of the artificial flavors, there is added more or less "straight" whiskey, which is relied upon to supply enough color and taste to attract the consumer. Sometimes the "whiskey" placed on the market is merely spirits — that is, alcohol — colored with caramel or burnt sugar. In such cases, the drink, as it reaches the consumer, is colored alcohol, and its effect is neither more nor less than that of an equal quantity of plain alcohol.

How far such modes of coloring and flavoring have now displaced the use of essences is a matter in dispute. Mr. Hobart, who had spoken so strongly in 1893 of the widespread use of the essences, told the Solicitor-General, in 1909, when the whiskey question was again under investigation, that the use of the essences had largely been discontinued, and that a number of the "whiskeys" of commerce were little more than colored alcohol. Investigations conducted by the Department of Agriculture throw serious doubt upon this statement, however, and make it appear that the essences are still widely employed. The ingredients of the essences that were thus used for the purpose of building up various liquors have always been regarded as a trade secret in their details, but the main constituents are now fairly well known.

Use of Poisonous Ingredients

It developed, in the course of the Whiskey Trust investigation in 1893, that the ingredients were poisonous. Witnesses in the employ of the distillers testified that they had "been warned . . . not to take the crude material in the mouth"; and inquiries made at the Bureau of Chemistry in Washington in the last few years show conclusively that the various essences are akin to fusel oil, the characteristic ingredient of straight whiskey. Sulphuric acid, oil of almonds, fusel oil itself, and various alcoholic derivatives are also used. The constituent elements of these various substances are the so-called higher alcohols — propyl alcohol, butyl alcohol, amyl alcohol, etc. These are several times more poisonous, volume for volume, than ordinary or "ethyl" alcohol, which constitutes the basis of whiskey and other liquors. Supposing the intoxicating or "toxic" dose of the ordinary alcohol to be indicated by the figure 6, the equally poisonous dose of propyl alcohol, according to some recognized authorities, would be indicated by 1.76, that of butyl alcohol by 1.80, and that of amyl alcohol by 1.50. Conceding the highly poisonous and dangerous qualities of these ingredients, it is true that the quantities contained in the liquor ordinarily consumed by drinkers would be small. No carefully made whiskey, whether straight or rectified, would contain more than one per cent of such products, when finally placed on the market, and in many it would run as low as one sixth of one per cent. The ordinary rectified whiskeys of commerce may be made by merely mixing some burnt sugar with alcohol, with or without the addition of some of the "essences" in the usual small quantities, or they may or may not be made by the addition of a small amount of straight whiskey to the alcohol. The preponderating effect would, however, be simply that of the ordinary alcohol they contained.

The facts in the case are fully known to Government analysts, and are not denied by the whiskey men themselves when under oath. The manufacturers of Canadian Club, when

before the Government investigators, testified that their goods were made of two kinds of spirits, one used as the base, the other as flavor, but "neither of them whiskey." Wilson whiskey professes on its label to be "a compound of straight whiskey and other grain distillates"—that's all. "Brockwood Pure Old Rye," another well-known brand, was described by Judge Robb, of the District of Columbia, on the maker's own testimony, as largely composed of neutral spirits. Professor Tolman, the Government whiskey analyst, testified that he examined samples of commercial whiskeys sold all over the country, and in describing his results he mentioned "Old Magusleum Maryland Rye," which was chiefly neutral spirits colored and flavored, "Melvale Eight Year Old Rye," which contained only a small proportion of matured whiskey, "Oakmont Maryland Rye," which was largely the same as Melvale with the addition of glycerin and bead oil, "Old Monongahela Rye," which was made of rye whiskey and spirits, "Arlington Pure Rye," which was practically neutral spirits colored and flavored, "Old Cliff," "Baker's Rye," "Old Jockey Club," "Old Henry," which was half neutral spirits and half whiskey, "Grey Friar," made in the same way, "Richard Pure Rye," and many others. Mr. Tolman said the proportion of neutral spirits in the "goods" ran from fifty to one hundred per cent. Many rectified whiskeys, moreover, had been flavored by the addition of large percentages of fusel oil and other injurious constituents.

It is important to bear this fact in mind, in connection with the so-called medicinal whiskeys, so widely advertised and touted on the market. The facts show that there is no such thing as medicinal whiskey, and that the only difference between an ordinary straight or rectified whiskey and the so-called medicinal whiskey is in the presence or absence of a small element of added poisonous ingredients. These may or may not be reduced to a minimum in the beverage whiskeys, but they are quite as often absent as in those that are sold as "remedies."

The methods employed in making so-called "medicinal whiskeys" are not materially different from those pursued in the manufacture of "beverage" whiskey. For example, Duffy's Pure Malt Whiskey, long offered to the public as a drink possessing peculiar medicinal or remedial qualities, has been shown, upon investigation, to be a whiskey of the usual "rectified" kind, produced from grain by a process of continuous distillation. This particular liquor is now given a slight color and flavor by storing it for a time, in charred barrels. Walter J. Duffy himself, when questioned by the authorities of the Department of Justice in 1909, was not able to deny the plain truth as to the manufacture of the product, and was obliged to concede that "Duffy's Pure Malt," like many other rectified whiskeys, was simply neutral or cologne spirits mixed with water, and colored. Solicitor-General Bowers had said:

"I understood Mr. Duffy to say that Duffy's Pure Malt Whiskey is made from practically neutral spirits, by storage in charred barrels, without the addition of coloring or flavoring matters — unless the storage in barrels amounts to that."

To this Mr. Armstrong, counsel for Mr. Duffy, answered: "That is true, except, of course, that it is reduced to proof at which it is sold."

Duffy's Malt Whiskey a Rectified Brand

This amounted to a statement that Duffy's Pure Malt Whiskey was merely a mixture of alcohol and water colored with the char of barrels. In order to be sure of the use of the term "malt," the Solicitor, however, asked Mr. Duffy:

"Does the practically pure neutral spirit that you get from malted grain differ essentially from the neutral spirit that you get from unmalted grain of the same kind?"

To this Mr. Duffy himself answered: "There may be some difference of opinion upon that."

When Mr. McCabe, of the Board of Food and Drug Inspection, inquired, with reference to the reason for using malted grain, "Might it not be out of a desire to be able to use the term 'malt,' as applied to the product, rather than to the difference in the product?" Mr. Duffy said: "I think that would perhaps have something to do with it."

Later, Mr. Armstrong, when asked for definite facts about the supposed difference in the spirits due to the use of malted grain, said he could testify on the subject "only from literature."

The truth about the manufacture of whiskey has been so well known to the initiated that it was impossible to conceal it from Congress, and when the Pure Food Law was under discussion in 1906, an attempt was made to secure the incorporation of provisions that would correct the practices prevalent in the whiskey trade. A section (Sec. 8, sub-section on Mis-branding) was included in the law, which provided that where articles were labeled, branded, or tagged so as to indicate that they were compounds, imitations, or blends, with the appropriate word on the package, they should not be considered misbranded, provided that the term "blend" should be construed to mean a "mixture of like substances, not excluding harmless coloring or

flavoring ingredients used for the purpose of coloring and flavoring only."

It was only after long-continued and severe friction and controversy that it was possible to insert even this clause, and the language used manifestly left an open question as to what was meant by "like" substances, and what coloring and flavoring ingredients should be considered "harmless," as well as the additional problem of when such ingredients could be said to be used for the purpose of coloring and flavoring "only." All these questions had to be faced by the authorities of the Government as soon as the Food Law was fairly on the statute books.

A committee appointed from the Departments of Agriculture, of Commerce and Labor, and of the Treasury, in October, 1906, only three months after the law had been enacted, and about the same length of time before it actually took effect, incidentally struggled with the application of this ambiguous clause to whiskeys and other liquors. It reached the conclusion that an age stated on the label of the liquor should not be that of a single one of the constituents, but the average of all constituents in their respective proportions; and it was determined that coloring and flavoring matters might not be used for increasing the weight and bulk of a blended article, and that, when used at all, their proportion should not exceed one pound to eight hundred pounds of the blend. It was further decided that no color or flavor should be permitted where its use was intended to imitate "any natural product or any other product of recognized name and quality."

The Controversy on Blended Whiskey

The committee, however, did not attempt to solve the question of what was meant by "like substances," but simply provided that "the term 'blend' applies to a mixture of like substances." Of course, this left open to controversy, in practical business, the question whether the "blended whiskey" of commerce, which was frequently nothing but alcohol colored and flavored with sugar and the essences already described (where it was not simply alcohol colored and flavored by the addition of some straight whiskey), could continue to enjoy the use of the name previously attached to it. The problem was of even greater commercial significance than it appeared to be, for within a very few weeks it was made obvious to the officers of the Government that the rectifying interests felt themselves profoundly attacked by the effort to take away from them the use of the word "whiskey" as a distinctive name, either with or without the use of the adjective "blended." The logical conclusion to be drawn from the report of the Committee on Regulations was that the rectified whiskeys of commerce would ordinarily have to be described as "imitation" whiskey, in which case the public would almost certainly discontinue its purchase and would concentrate its demand upon the "straight" product aged in charred oak barrels. This problem was clearly brought to the attention of the Department of Agriculture early in the autumn of 1906, when a blender wrote to Secretary James Wilson, referring to the "uncertainty prevailing in the trade," and submitted to him two samples of so-called "whiskey," one composed of 51 per cent Bourbon or straight whiskey and 49 per cent of neutral or cologne spirits (alcohol), the other containing 51 per cent of spirits and 49 per cent of Bourbon. In each sample, burnt sugar was used as coloring, while "prune juice" (probably an artificial essence with no trace of the prune) was employed as flavoring. Secretary Wilson, after due cogitation, responded that, in his opinion, "the mixtures presented cannot legally be labeled either blended whiskeys or blended whiskey. . . . The mixture of . . . an imitation with a genuine article cannot be regarded as a mixture of like substances."

This letter was subsequently given out to the trade as Food Inspection Decision 45. It created a tremendous commotion, and strong influences were immediately set at work by the whiskey interests for the purpose of convincing Secretary Wilson of his error. The argument was concentrated upon the meaning of the term "like" as applied to "substances," an effort being made to show that cologne spirits (alcohol) and straight whiskey aged in charred oak barrels were "like substances," and that they might, therefore, be mixed in any proportions desired and the resulting combination be described as a "blended whiskey."

If this point could be gained, the rectifying interests might go on mixing alcohol with straight whiskey and applying the term "blended whiskey" to the result. As the law said nothing about the relative proportions in which like substances must be mixed to form a "blend," it might be assumed that even a mixture containing only a minute percentage of straight whiskey could be labeled "whiskey." And as at that time producers of foods, drinks, and drugs were allowed to brand their goods as "Guaranteed under the Food and Drugs Act," the situation would be better than ever for the rectifying interests, for they would be practically assured of Government sanction for their use of the word "whiskey."

Secretary Wilson finally yielded to the representations of the rectifying interests, and became

what was technically known as a "blended whiskey man," or an advocate of the idea that the blended or rectified whiskeys of commerce were entitled to the use of the name they had already been employing. He sought to compel Dr. H. W. Wiley, the Chief of the Bureau of Chemistry, to assent to the rescinding of the decision that prohibited the use of the term "blended whiskey" for the purpose of describing a mixture of whiskey and alcohol. In this position he was supported by George P. McCabe, the Solicitor, or legal authority, of the Department of Agriculture.

The Fight of the Rival Whiskey Interests

Whiskey interests were now definitely lined up on either side of the question. The men who were making straight whiskey by the expensive process of aging it in charred oak barrels thought they saw an opportunity to strike back at their rectifying competitors who, by reason of the lower price at which they were able to market their product, had for a long time had the whiskey market almost to themselves. Rectifying interests were not willing to see the profitable trade they had built up, by the chemical production of fine old amber-colored liquors of any desired age, broken in upon in this way. The straight whiskey men perfected an organization that included most of the "straight" distilleries, and sent to Washington Edmund W. Taylor, son of the proprietor of the "old Taylor" distillery of Kentucky. At a cost understood to be about forty thousand dollars a year, the rectifiers and blenders engaged the services of Warwick M. Hough, a skilful lawyer of St. Louis, who was likewise despatched to Washington, where he ultimately opened offices in one of the costlier buildings, and succeeded in engaging John E. Hayes, at that time Solicitor of Internal Revenue in the Treasury Department, who was then receiving a salary of four thousand dollars a year. Mr. Hough added to his staff other lawyers skilled in the intricacies of governmental practice, and the contest was opened.

The controversy had now become a trade struggle, with all the bitterness that usually characterizes such contests. It was not strange that, under these conditions, whiskey men began to let out some unpleasant truths about the different classes of their product, and that much of the testimony given was calculated to raise in the mind of the lay observer serious questions as to the "wholesomeness" or "harmlessness" of any and every kind of whiskey. It was, of course, admitted by all parties to the discussion that whiskey contained only three elements — alcohol, water, and the peculiar coloring and flavoring matters that gave it its special aromatic quality, taste, and odor, whether these were naturally present in the product, or had been distilled out, to be replaced later by some artificial process.

The effect of alcohol upon the human system being tolerably well recognized, and that of water none the less so, discussion centered on the effect of the various coloring and flavoring matters. Rectifiers were able to bring a convincing burden of testimony to prove that "fusel oil" and the "higher alcohols" were decidedly injurious to the consumer, the degree of injuriousness being estimated by some chemists and physiologists at seven or eight times that of alcohol itself, although, as already explained, the limited quantity of these elements present in the costlier liquors made them usually negligible in their physiological effect. In fact, at one time rectified whiskey men devoted themselves extensively to obtaining statements from well-known chemists and pharmacologists concerning the injurious qualities of fusel oil and the higher alcohols contained in straight whiskey. Among those who, in behalf of the rectifiers, thus testified, under oath, to the poisonous qualities of the characteristic elements in whiskey were Virgil Coblentz, professor in the College of Pharmacy of Columbia University, Charles Baskerville, professor of chemistry in the College of the City of New York, L. W. Steinbach, professor of surgery in the Philadelphia Polyclinic, and a multitude of others.

It was shown that the effect of the fusel oil was that of a profound intoxicant, causing hemiplegia, methemoglobinuria, transitory nephritis, and various other serious disorders. The testimony was most convincing with reference to the injurious qualities of fusel oil and the higher alcohols, but neglected the fact that many of the built-up liquors upon the market were flavored and colored by the restoration of fusel oil itself, or of higher alcohols in varying degrees. Even where these constitutents were not added, it was admitted that a certain amount of the injurious elements still remained in the rectified and blended liquors, owing to the difficulties of distillation. Rectifiers, moreover, struck at the straight whiskey men by describing the real nature of the chemical changes that went to the making of their product. In a statement widely circulated by the rectifiers, Professor Chandler of Columbia University, one of the leading chemists of the country, who testified at the hearing before the Solicitor-General on "What is Whiskey," said:

Professor Chandler's Definition of Whiskey

"It is well known that when oak wood is charred, the surface which is affected by the heat is decomposed by the heat. Oak tar, wood alcohol, and pyroligneous acid are produced, which sink into the wood behind the surface of charcoal which results at the same time. When the crude whiskey containing all the fusel oil comes from the still absolutely colorless, it is put into this charred oak barrel, and in course of time it dissolves out a sufficient portion of the tar, wood alcohol, and pyroligneous acid to give it its characteristic flavor and color, and this is what the Kentucky distillers wish the world to believe is the only straight whiskey there is."

This statement, and others like it, was spread broadcast through the country by Mr. Hough, the specific charge being made that straight whiskey was really a decoction of wood-tar. Indeed, in 1909, when placed on the witness-stand before the Solicitor-General by the rectifiers, Professor Chandler was asked by Mr. Hough:

"To what is the flavor of most whiskeys due—the characteristic flavor?"

In answer, Professor Chandler said: "To the tar that comes out of the charred barrel."

And Mr. Hough, evidently thinking he had done enough to discredit the straight product, rejoined: "That is all of this witness."

John M. Atherton, who had been a large distiller for thirty years, told the Government investigators that new (straight) whiskey that had not absorbed the wood-tar elements was practically undrinkable, because it "smelt of the pig-pen," in consequence of its peculiar constituents. Mr. Atherton further contended that the methods of making whiskey were of no moment to the public, because "drinkers do not know what it is or how it is made, and do not know one kind from another."

E. M. Babbitt, another extensive distiller, described the straight whiskeys of commerce as rough and objectionable, and added that, in order to meet the demands of customers, he often branded barrels with any name a customer wanted put there. "Indian Hill Bourbon," well known to drinkers at one time, was one of Mr. Babbitt's brands made with the use of neutral spirits.

Entirely apart from the wholesomeness of the different whiskeys, few persons were in doubt about the significance of the labeling question presented. Although some were inclined to slight the issue with the remark that it was of no interest to any except regular drinkers,—a class traditionally considered unworthy of protection,—there was no possibility of evading the act that much more than this was concerned in it. It was plain from the first that some very large principles were involved. If whiskey could be made from alcohol and water, with a slight admixture of the article ordinarily known by the name whiskey, or even with coloring and flavoring matters of chemical origin, why might not maple sugar be made from the chemical ingredients that analysis had shown to exist in it? The sugar element in the product would be the same, whether it originated in the cane, the beet, or the maple tree, and if the addition of the proper color and flavor produced an article indistinguishable from maple sugar directly made, it would be a fair question whether the Government, under the Pure Food Law, would have the right to intervene and protect the consumer against goods thus manufactured. In the same way, the admission of this "principle" in the making of whiskey would necessarily allow the adoption of the same process in producing vinegar. "Pure cider" vinegar could then be made from acetic acid by the addition of the proper chemical flavors and colors. In fact, with a well-equipped laboratory there would be no reason why any "natural" product should not be turned out.

Dr. Wiley's Circumvention of Secretary Wilson

Secretary Wilson would undoubtedly have carried through his effort to conciliate the rectifying interests, had not Dr. Harvey W. Wiley, the Chief of the Bureau of Chemistry, contrived a plan to circumvent him. Dr. Wiley endeavored to interest President Roosevelt in the whiskey question, and about May, 1907, succeeded in holding the attention of Mr. Roosevelt for a couple of hours while, with a patent still and a full supply of essences, he went through the process of making rectified whiskey under the executive eye. The President referred the question of whiskey labels to the then Attorney-General Bonaparte.

Mr. Bonaparte knew nothing about whiskey from a theoretical or manufacturing standpoint; but, with the aid of chemists and experts on distillation, he succeeded, after various hearings, in producing a most edifying decision. He took the view that a liquor produced by the mixing of a certain amount of straight whiskey with alcohol or cologne spirits must be described as a "compound whiskey," while an article could be described as a "blend" only in the event of its consisting of a mixture of two or more straight whiskeys. Straight whiskey alone was entitled to the unqualified use of the word

"whiskey" as a distinctive name; while the cologne spirits or neutral spirits of commerce, colored and flavored to taste, must, according to the Attorney-General, be designated "imitation whiskey."

Attorney-General Bonaparte even went so far as to suggest the style of labels to be employed by producers in describing their goods. Thus, for straight whiskey a typical label, said Mr. Bonaparte, would be "Semper Idem — A Pure Straight Whiskey"; a blended whiskey might be described as "E Pluribus Unum — A Blend of Pure Straight Whiskeys"; a mixture of straight whiskey and grain alcohol might be called "Modern Improved Whiskey — A Compound of Pure Grain Distillates"; while a rectified whiskey of the usual type might be called "Something Better than Whiskey — An Imitation."

Rectifiers, however, were far from pleased with the nomenclature that had thus been arranged for them by the humorous Attorney-General. Secretary Wilson and his aides in the Department of Agriculture scarcely concealed their chagrin. Yet efforts to gain the ear of President Roosevelt were of comparatively little effect. The matter came up at Cabinet meetings early in the spring of 1907, and the Cabinet divided sharply into "rectified whiskey" and "straight whiskey" men. When the various delegations of distillers and rectifiers had finally marched through the White House, President Roosevelt sent the following letter to Secretary Wilson.

President Roosevelt Confirms Attorney-General Bonaparte's Decision

THE WHITE HOUSE,
WASHINGTON, April 10, 1907.

MY DEAR MR. SECRETARY: In accordance with your suggestion, I have submitted the matter concerning the proper labeling of whiskey under the Pure Food Law to the Department of Justice. I inclose the Attorney-General's opinion. I agree with this opinion, and direct that action be taken in accordance with it.

Straight whiskey will be labeled as such.

A mixture of two or more straight whiskeys will be labeled blended whiskey or whiskeys.

A mixture of straight whiskey and ethyl alcohol, provided that there is a sufficient amount of straight whiskey to make a genuine mixture, will be labeled as a compound of, or compounded with, pure grain distillate.

Imitation whiskey will be labeled as such.

Sincerely yours,
THEODORE ROOSEVELT.

This letter caused general and profound irritation, but there was no course now open to whiskey men, save to accept the executive decision, unless they were willing to go into the courts and have the issue involving their supposed right to the name whiskey tested there. This they were very reluctant to do, because, as one man frankly expressed it, "no house in the trade can afford to put out goods and run the risk of seizure and later litigation by the Government, on account of the odium that would be attached to fighting the Food and Drugs Act."

A careful survey of the situation, however, convinced the rectifiers and their counsel that the conditions were not yet as hopeless as they had been thought. The decision of the Attorney-General, it was true, affected all labels that might be prepared and attached to goods by the whiskey men themselves, but it did not apply to labels attached by the Government. The question of bottled whiskeys and the way of labeling them was, for the time being, settled by the Attorney-General's opinion; but it was plain that where whiskeys had received a Government stamp, nothing was to be said by another department of the Government.

Under the internal revenue laws of the United States, agents are stationed at each distillery, for the purpose of watching the process of distillation, with a view to assuring the Government its taxes. These agents were originally authorized by law to mark the product as "high wines," "spirits," or "alcohol." But the Internal Revenue Bureau, by virtue of executive regulations framed at the instance of the rectifiers, had for years permitted the agents to burn on the outside of the casks the words "rye," "Bourbon," or "copper-distilled whiskey." This was done entirely at the order of the distiller or rectifier, and without any attempt to discriminate, or to ascertain whether the product thus marked corresponded to the name assigned to it. Rectifiers did not feel that they had suffered much when the Government itself, through one department, continued to brand on the outside of their large packages the names that another department denied to the bottled article privately labeled by its owner and passing in interstate trade.

Internal Revenue Bureau Clashes with Attorney-General

Government officers seemed almost entirely oblivious to these peculiar conditions until the autumn of 1907, when temperance organizations called the attention of President Roosevelt to the fact that while two of his executive departments had passed upon the proper labeling of whiskey, a third — the Treasury, in which the Bureau of Internal Revenue was located — was not observing the decision. President Roosevelt at

once summoned John G. Capers, then Commissioner of Internal Revenue, and directed him to revise the regulations of the Bureau of Internal Revenue so that they would harmonize with the views of Attorney-General Bonaparte. This Mr. Capers was extremely reluctant to do, feeling, as he said, that the Internal Revenue Law and the Pure Food Law were two entirely different pieces of legislation, passed without reference to each other. Notwithstanding this objection, officers of the Bureau, under Mr. Capers' direction, worked all winter on a new set of regulations, but they were found to be so favorable to the rectifiers that Attorney-General Bonaparte sent them back to the Treasury disapproved.

A second effort was more successful, because the Internal Revenue Bureau now unwillingly accepted the views of the Department of Justice. New regulations, with Mr. Bonaparte's approval, were made public early in the summer of 1908, and were ordered to take effect on and after July 1. Under these regulations, goods would be marked as "high wines," "spirits," or "alcohol," as directed by the Internal Revenue Law; but, inasmuch as the law had provided that spirits should be marked "spirits, as the case may be," the Attorney-General permitted Internal Revenue officers to mark such spirits "whiskey" when produced from grain, "brandy" when produced from fruit, "rum" when produced from molasses, and "gin" when manufactured from spirits with an admixture of juniper-berries. But, whenever spirits were colored, flavored, or manipulated as the rectifiers had been in the habit of manipulating them, they were to be marked "imitation whiskey."

The Rectifying Interests Unsuccessful in the Courts

Rectifying interests now saw themselves compelled to resort to the courts in order to maintain their case. They had already had one encounter with the judicial authorities, when the question of labeling whiskey had come up in the Court of Appeals of the District of Columbia, in connection with a trade-mark matter. The Commissioner of Patents had refused to register a trade-mark in which the term "rye whiskey" was used, on the ground that the whiskey in question was not blended whiskey, under the terms of the Food and Drugs Act and the regulations explanatory of that law. This was the case of Levy *vs.* Uri, which had been passed upon June 2, 1908. The so-called whiskey for which a trade-mark had been sought professed to be a pure rye whiskey, and Judge Robb, in upholding the refusal of the Commissioner of Patents to register the trade-mark applied for, defined the term whiskey in exact accordance with the decision of the Attorney-General, maintaining that "a pure rye whiskey is exactly what the term imports — a whiskey made solely from malted rye. Such a whiskey, . . . in the mind of the consumer, is associated with that particular grain and no other." Farther on, Judge Robb had referred to neutral spirits as a colorless and tasteless liquid which might be produced from any fermented substance, but which, he said, had been "palmed off on the public as a beverage by mixing it with something to give it flavor and character."

Judge Robb had been virtually the first Federal judge to take this position, and had consequently been subject to very sharp attack and criticism, but had persevered in his own view. The rectifiers then thought that better results might be gained by instituting proceedings in a State jurisdiction, at a place where the chief business of the community was the manufacture of the rectified product. So they filed applications for injunctions in the Federal district courts for the Southern District of Ohio and for the Southern District of Illinois, asking the judges to forbid United States officers to substitute the new marking of liquors, prescribed by the Internal Revenue Bureau, for the old one that had been in use so many years. Temporary injunctions were allowed in some of the cases, but, when final hearing was had, a decisive victory for the new regulations was secured. The judges refused to grant the permanent injunctions asked for, and severely criticized the demand of the rectifiers.

The Public Will Not Buy Whiskey Labeled "Imitation"

The new regulations, and the cases brought under them, developed one particularly interesting fact in the situation: the distillers and rectifiers could not dispose of their goods for drinking, either as alcohol or as "imitation whiskey." The actual name "whiskey," without modification, was necessary to disposal of their product, notwithstanding that it was precisely the same article under another name. This was clearly brought out when the Western Distilleries applied to Judge Van Fleet of the Northern District of California for an injunction restraining the marking of alcohol as ordered by the Bureau of Internal Revenue, alleging that they had been obliged to shut down their plant through inability to dispose of their product when marked "alcohol."

Because of the hostile attitude of the courts, whiskey manufacturers resolved to turn their attention in other directions. They had hoped

to secure an easy victory through the judicial machinery of the Government: but having been defeated there, and knowing that there was nothing to expect from Congress, they now turned again to the Executive. The new rules, with the requirement that whiskey be branded as "imitation" when it consisted of neutral spirits primarily, had gone into effect July 1, 1908, although prior to that date the distilling interests had accumulated as large stocks as possible under the old regulations for marking, in order that they might continue to send out their goods as "rye," "Bourbon," or "copper-distilled" whiskey, instead of being compelled to use the term "imitation."

Pressure upon the Roosevelt administration for action designed to "relieve" the rectifiers now became acute. Congressman Longworth, son-in-law of President Roosevelt, and accredited representative of the Cincinnati distilling district, exerted himself in behalf of the rectifiers, and a similar position was taken by numerous other members of Congress. Representative Perkins of New York, now chairman of the Foreign Relations Committee of the House and a historian of some reputation, had already devoted himself to securing a favorable ruling in the interest of Duffy's Pure Malt Whiskey. An interesting correspondence passed between Mr. Perkins and the Department of Agriculture, in the course of which Mr. Perkins noted for the benefit of Secretary Wilson that "the Duffy Malt Whiskey Company . . . is controlled by our most prominent and leading citizens, and I trust matters can be adjusted in such a way as not to injure a long-established industry." Other statesmen wrote that the Duffy Company "controlled considerable political influence." Not to be outdistanced in his efforts for the rectifying interests was Representative Sherman, now Vice-President.

Appointment of the "Whiskey Commission"

During the winter a committee of rectifiers and spirit distillers, represented by A. J. Sunstein and others, visited Washington, and sought to persuade the administration of the great harm that was being done to the rectifying interests. The President finally harkened to the representations of the rectifiers, and appointed a "Whiskey Commission," consisting of Secretary of Agriculture James Wilson, Dr. F. L. Dunlap, Associate Chief of the Bureau of Chemistry, and John G. Capers, head of the Bureau of Internal Revenue of the Treasury Department. Secretary Wilson and Commissioner Capers were already known as advocates of the views of the rectified whiskey interests, while Dr. Dunlap had shown a strong disposition to dissent from the existing rulings of the Government. There was a good deal of mystery about this Commission. Although the Associated Press sent out a frank statement by President Roosevelt to the effect that such a Commission had been appointed, Secretary Wilson took occasion to assure newspaper men that the Commission did not exist as such, and that the President had merely asked for a little advice. Commissioner Capers admitted the existence of the Commission, but Dr. Dunlap said nothing.

After several weeks of discussion and inquiry, the three advisers reported to the President in favor of allowing liquor made from neutral spirits to be designated as whiskey. Mr. Sunstein and his committee had said that they would be satisfied if they could be allowed to brand their liquor as "redistilled whiskey," "rectified whiskey," or "neutral whiskey." The three commissioners, or conferees, now advised that some such plan be followed, telling the President that this was substantially the verdict that had been arrived at by the Royal Commission on Whiskey, which had been sitting in England, and which, they stated, had decided that any spirits made from grain was whiskey. In a letter written on behalf of the Commission, Dr. Dunlap said, "It is my opinion that the term 'whiskey' should not be denied to neutral spirits diluted with water to a proper strength and colored with caramel," though he recommended the use of some qualifying name, such as "rectified whiskey."

Mr. Bonaparte Refuses to Accept the "Whiskey Commission's" Decision

Attorney-General Bonaparte was now in an embarrassing position. He had already rendered his opinion with reference to the nature of whiskey, and the proper methods of branding it under the existing law of the United States. President Roosevelt had sent Mr. Bonaparte the report of the Whiskey Commission, which had just been transmitted to the White House, with a request for the Attorney-General's opinion.

Two questions presented themselves to Mr. Bonaparte — whether he should reverse himself and accept the findings of Messrs. Wilson, Capers, and Dunlap, or whether he should stand neutral and idle, in case President Roosevelt should see fit to put into effect his Commission's recommendations. Mr. Bonaparte decided both of these points negatively. In a rather scathing letter to President Roosevelt, he pointed out that the Whiskey Commission had based its sug-

gestions almost entirely upon work that had been done in England by a body not known to American law,— the British Royal Commission, —while he had found it his duty to guide himself by the laws of the United States. He could not, therefore, as a matter of law, consent to the proposal now made. Noting that "the assistant chemist of the Department of Agriculture suggests that on the question of the construction of a statute [the Pure Food Law] a very carefully considered and reconsidered opinion of the Attorney-General should be disregarded," he went on to say that he could not "fail to recognize in Dr. Dunlap's recommendation a challenge of the correctness of" his conclusions. He therefore called attention to the interpretations of the Food Law, in line with the views of the Department of Justice that had lately been handed down by the courts. It was stated by officers of the Government that he had privately conveyed to the President the intimation that although only about a week remained before his termination of office as Attorney-General, he should feel compelled to resign, in the event that the President saw fit to overrule his decision in the whiskey matter. The President had been largely animated by his own sense of fair play in giving the rectifiers every opportunity to set forth their ideas; and he now made his own stand evident by approving Mr. Bonaparte's views, and continuing the existing methods of marking and branding liquors.

President Taft Drawn into the Whiskey Controversy

When President Taft entered the White House, on the 4th of March, 1909, the rectifying interests were by no means inclined to let the whiskey question rest. They knew that, while Secretary of War, he had been decidedly friendly to their views at the time when the subject had originally come up before the Cabinet for settlement. It was determined to make a fresh and vigorous effort to secure a reversal of the Roosevelt rulings that would permit the rectifiers to continue placing their neutral spirits on the market under the name of whiskey. Consequently, shortly after the President took office, he was approached by all the original interests that had urged a change in the methods of marking whiskey, and, yielding to their pressure, he consented to reopen the question and to hear argument in person.

Early in April a distinguished array of counsel appeared at the White House. Straight whiskey interests had employed ex-Secretary John G. Carlisle to coöperate with Edmund W. Taylor, the original representative of the straight whiskey distilleries, while for the rectifying interests appeared Joseph H. Choate, former ambassador to England, Senator Armstrong of New York, Lawrence Maxwell, Esq., and Warwick M. Hough, the high-priced lawyer who had been sent to Washington as a representative of rectified interests and of the wholesale liquor trade. Mr. Alfred Lucking also appeared in behalf of the Canadian Club whiskey interests, which had found themselves hampered by the rulings of the Government, and in whose interest the powerful offices of Ambassador James Bryce had been enlisted with President Roosevelt to secure the admission of the Canadian product without the imitation label.

President Taft listened to the arguments on both sides, and showed a strong disposition to refer the matter directly to Commissioner Capers, the head of the Bureau of Internal Revenue. Mr. Capers, however, had long been associated with the work of the Bureau of Internal Revenue under the old regulations which permitted the marking of rectified spirits as whiskey; and he was known to be favorable to the retention of the old system of markings, having shown this feeling when, in conjunction with Secretary Wilson and Dr. Dunlap, he had recommended the changes demanded by the rectifying and blending interests. The President's disposition to throw the question back into adverse hands at once called forth a protest from the straight whiskey men, based upon the ground that Mr. Capers was somewhat prejudiced, and President Taft, necessarily recognizing the justice of this claim, directed Solicitor-General Bowers to serve in place of Mr. Capers, and to consider several questions.

The points that Mr. Bowers was to take up included an inquiry as to the true definition of the term "whiskey" at the time of the passage of the Pure Food Law, and an inquiry into the chemical constituents whose presence necessarily designated a liquor as being unmistakably whiskey. He was further called upon to determine whether, as urged by the "Duffy's Pure Malt Whiskey" interests, whiskey as a drug was a different product from whiskey as a beverage. The old controversy burst forth afresh, and, beginning April 8, Mr. Bowers conducted almost continuous hearings, lasting nearly a month. More than twelve hundred pages of printed testimony were taken. At times the room in which the meetings were held resembled a chemical laboratory more than it did a court-room, while at others, as the witnesses sat about a table, freely tasting the various samples that had been submitted for examination, it was strongly reminiscent of a German drinking club.

Mr. Bowers Rules that the Rectified Product is Whiskey

After long and painful deliberation, Mr. Bowers reached a decision. He declared that the term "whiskey," as currently understood by manufacturers, by the trade at large, and by consumers, included not only the so-called straight whiskey, but the blended or mixed product made by adding more or less straight whiskey to a quantity of neutral spirits or alcohol. Mr. Bowers further ruled that whiskey, in the sense thus defined, should be composed solely of alcohol manufactured from grain, a certain amount of by-products, including the so-called fusel oil denominated as very injurious, enough water to make the mixture drinkable, and in some cases artificial coloring and flavoring matters of a "harmless" character. He thought that the only abuse or misbranding to be feared in connection with whiskey was the marking of alcohol derived from some substance other than grain as whiskey, or the designation of mixtures of neutral spirits which contained no fusel oil or other by-products as true whiskey.

He also found that there was no difference between whiskey as a drug and whiskey as a beverage. It was plain, from this, that Mr. Bowers considered the public's ignorance of the methods of making whiskey a reason for allowing any product to bear that name, provided it conformed to certain chemical standards. The only point at which his decision was really distasteful to the rectifying interests was the view that a so-called "neutral" spirit or alcohol colored and flavored was not whiskey, for the reason that it did not contain the by-products or congeneric products, such as fusel oil and the like. This made it impossible for the makers of liquor from plain alcohol, colored and flavored, to denominate their product whiskey. They would presumably be obliged to mark it "imitation whiskey," as under the ruling of Attorney-General Bonaparte. And, of course, this roused strong dissent among the rectifiers; while the straight whiskey men were also dissatisfied, because of what they considered the erroneous views of Solicitor-General Bowers. The two groups, therefore, united in demanding an appeal to the President, and both filed briefs with Mr. Taft, in which they stated their arguments along familiar lines.

In their brief of reply, the straight whiskey men showed that the courts had stood firmly against the idea that neutral spirits, colored with some artificial substance and mixed with water, was whiskey, while they further contended that a mixture of straight whiskey with alcohol was not a mixture of like substances, and, hence, could not be considered whiskey. They pointed out that various States had held that blended whiskey, in order to be such, must be made by mixing two or more straight whiskeys, and they quoted Senator McCumber to the effect that the rectifiers were perpetrating a fraud on the community, since they "put in a little whiskey, . . . and the other part is made out of this cheap high-wine basis and a few drugs and oils and colors, and . . . is sold for a good brand of whiskey."

The rectifiers, in return, stated that the use of liquors containing fusel oil was highly dangerous, because of the poisonous character of the constituent elements that gave it its characteristic flavor. They argued that the taste of the straight whiskey was due solely to the wood-tar oozing from the barrels in which it was stored, inasmuch as aging did not eliminate the fusel oil, "its bad taste and smell being simply covered up and drowned out by matter that is extracted from the charred barrel and by the acid and ether that are developed by the oxidation of the alcohol. . . ." They boldly contended that the consumer should be left to get whatever he wanted, by whatever name he preferred, urging that "all whiskey at proof is one half water and one half alcohol," since "the by-products in the strongest straight whiskey rarely exceed one half of one per cent, and run down as low as one sixth of one per cent." In other words, the rectifiers argued, whiskey was merely "alcohol in a pleasant form." They quoted the British Pharmaceutical Codex as stating that whiskey is merely "a favorite means of administering alcohol." There was no reason, they contended, why the drinker should be compelled to take with his whiskey "the tannin and acid and char of burned barrels."

President Taft Decides All Grain Alcohol Liquors Are Whiskey

President Taft was at first inclined to dispose of the subject quickly, but as he went further the difficulties of the case became more apparent. It was not until December 26 that he finally completed a decision, which he then made public. In this he took the view that the term "whiskey" could properly be applied to any liquor made from grain alcohol. He disregarded the argument of Dr. Wiley, of the Bureau of Chemistry, that storage in charred oak barrels converted a liquor distilled from grain and containing fusel oil, etc., into whiskey, and he also disregarded the view of Solicitor-General Bowers that the presence of fusel oil was neces-

sary that a liquor might be properly classed as whiskey. He held that the term "whiskey" might be used as descriptive of any liquor distilled from grain, no matter how it was composed. Other liquors, distilled from such substances as molasses, fruits, etc., he excluded from the definition of whiskey. In every case, said the President, the particular whiskey offered for sale must be designated by a subordinate description indicating the substance from which it was made, as "whiskey made from neutral spirits," etc. This opinion was substantially satisfactory to the large rectifying interests, and they promptly indicated their approval of it.

President Taft's action, however, involved consequences of very much greater importance than those connected with the marking of a liquor. He took occasion to say that, in his opinion, the term "like substances," as used in the Pure Food Law, would include alcohol and whiskey, because the chemical composition of the two was so nearly similar, the only difference lying in the fact that one contained a small amount of fusel oil, while the alcohol or neutral spirits contained only a trace or none. This opened the way for serious controversies about subjects other than distilled liquors; for the question may now fairly be raised, whether an article made from cane or beet sugar, and chemically colored and flavored to resemble the product known as "maple sugar," is a "like substance" with what has heretofore been known as maple sugar, and whether it may not properly be designated maple sugar, though perhaps with an explanatory description, such as "maple sugar made from cane base." So, also, it may now fairly be questioned what is meant by the term "vinegar," and whether that article is what the consumer supposes it to be, or whether it can be made by the combination of acetic acid with the proper coloring and flavoring matters.

Does This Decision Menace the Pure Food Law?

This broad question, of more importance to the whole community interested in pure foods than the whiskey question was to consumers of liquor, is now thrown open to controversy and discussion. President Taft's decision marks the completion of one important and significant episode in the history of the present Pure Food Law. Will that decision be the starting-point for a campaign on the part of manufacturers that will practically annul the progress made in accurate labeling under the law? Will it require the community to accept trade practices as the criteria by which the meaning of terms applicable to foods and drugs will be tested? The average man knows little of chemistry and cares less about it. He thinks he knows what he is getting when he calls for maple sugar, vinegar, or other articles. The physician believes that he knows what he is calling for when he asks for strychnine, quinine, and other drugs. In both cases, it would seem that only the manufacturer may know, just as he alone has had the true appreciation of what is meant by whiskey, which to the consumer signified one thing, while to the manufacturer it meant a great variety of different things.

Though the whiskey controversy may have been disappointing in its results to many of the parties concerned in it, it has been of immense value to the public as a process of education. The question, "What is whiskey?" has now been worked out by the combined efforts of two Presidents of the United States, one Attorney-General, a Secretary of the Treasury, a Secretary of Commerce and Labor, a Secretary of Agriculture, two Commissioners of Internal Revenue, a Chief Chemist and an associate chemist, a few solicitors, and a varied assortment of distinguished politicians, ex-officials, lobbyists, and counsel. So far as the weight of authority goes, it would now seem possible to answer the question that has been pending. Whiskey appears to be virtually anything that will serve to intoxicate. The only limitation placed upon the liquor is that it shall have been distilled from grain; but inasmuch as neutral spirits or alcohol distilled from grain differs slightly, if at all, from the same product distilled from rotten fruit, sugar, molasses, and other alcohol-producing substances, the origin of it is not very important.

The controversy has shown that the real test of whiskey is the degree of intoxication, or, translated into English by coining a word, "impoisonation," that the liquor will produce. While ordinary alcohol is taken as the intoxicating or impoisoning standard, it may be that, under certain conditions, additional and more rapidly poisoning elements, such as fusel oil, the higher alcohols, sulphuric acid, and various other ingredients, may be added. The authorities have differed as to the desirability of including these higher poisons in the product, but they have agreed that the standard by which all whiskey must be tested, and to which it must conform, is the alcoholic standard. It has no qualities that are different from those of alcohol, save as it may contain additional elements of poisonous or toxic character. With the acceptance of this result should disappear the popular idea that whiskey, as such, possesses peculiar virtues or merits. The controversy has

shown that the medicinal whiskeys are not different from the ordinary whiskeys of commerce, and that their medicinal qualities are entirely imaginary.

Consumers Will Not Buy Alcohol Marked as Such

The experience of the distillers and rectifiers during the contest has also been of great interest. It has shown that the public in general is ignorant in the highest degree of what it is consuming, that the appeal of whiskey to the relatively inexperienced drinker is largely that of a name, a brand, or a tradition. It has shown that alcohol marked as such cannot be sold to consumers under that name, but that the demand for it must be based upon the use of a fictitious term to which it is not entitled,— whiskey,— while the liquor regarded by many as properly bearing that designation has no superior claim upon the regard of the drinker, except that it contains the more highly poisonous elements represented by the fusel oil and the "higher alcohols."

Just why two administrations should have spent a large percentage of their time in the study of whiskey, and in finding ways by which the various distilling interests might be allowed the use of the name under the Pure Food Law, is not, perhaps, easy to explain. The national Government has given more time to whiskey than to any other article of food or drink, has reversed itself more frequently and more flagrantly than in any other of its rulings, and has shown greater irresolution in dealing with an organized business interest than has been exhibited in any other department or branch of administration. Yet the time spent has probably not been lost, if it has contributed to the formation of correct ideas by the public at large upon a product that annually consumes many millions of dollars, and whose manufacture, as President Taft has pointed out, has been characterized by disgraceful frauds and impositions for many years past.

WHAT PEOPLE HAVE SAID ABOUT WHISKEY

OPINIONS OF HENRY WARD BEECHER, ABRAHAM LINCOLN, ROBERT G. INGERSOLL, BISHOP PHILLIPS BROOKS, THEODORE ROOSEVELT, AND MANY OTHERS. ALSO DECISIONS OF THE SUPREME COURT OF THE UNITED STATES AND OTHER COURTS

IN connection with the discussion of what whiskey is, the editor of McClure's presents the following interesting expressions of opinion on this subject.

Joseph Chamberlain, the great English Statesman, says of whiskey:

"If there is in the whole of this business any single encouraging feature, it is bound to be found in the gathering impatience of the people at the burden which they are bound to bear, and their growing indignation and sense of shame and disgrace which this imposes upon them. The fiery serpent of drink is destroying our people, and now they are awaiting with longing eyes the uplifting of the remedy."

Sir Andrew Clark, the great London physician:

"I am speaking solemnly and carefully in the presence of truth, and I tell you that I am considerably within the mark when I say to you that, going the round of my hospital wards today, seven out of every ten owed their ill health to alcohol."

The late Edward Everett Hale:

"If anybody will take charge of all Boston's poverty and crime which results from drunkenness, the South Congregational Church, of which I have the honor to be the minister, will alone take charge of all the rest of the poverty which needs relief in the city of Boston."

Robert G. Ingersoll's opinion of whiskey:

"I am aware that there is a prejudice against any man engaged in the manufacture of alcohol. I believe, from the time it issues from the coiled and poisoned worm in the distillery until it enters into the hell of death, dishonor, and crime, that it dishonors everybody who touches it — from its source to where it ends. I do not believe anybody can contemplate the subject without becoming prejudiced against the liquor crime. All we have to do is to think of the wrecks on either side of the stream, of the suicides, of the insanity, of the ignorance, of the destitution, produced by the devilish thing.

"And when you think of the jails, of the almshouses, of the asylums, of the prisons, of the scaffolds upon either bank, I do not wonder

that every thoughtful man is prejudiced against the damned stuff called alcohol."

Abraham Lincoln:

"The liquor traffic is a cancer in society, eating out the vitals and threatening destruction, and all attempts to regulate it will not only prove abortive, but will aggravate the evil. There must be no more attempts to regulate the cancer. It must be eradicated, not a root must be left behind; for, until this is done, all classes must continue in danger of becoming victims of strong drink.

"If it is a crime to make a counterfeit dollar, it is ten thousand times a worse crime to make a counterfeit man."

Martin Luther:

"Whoever first brewed beer has prepared a pest for Germany. I have prayed to God that He would destroy the whole brewing industry. I have often pronounced a curse on the brewer. All Germany could live on the barley that is spoiled and turned into a curse by the brewer."

William McKinley:

"By legalizing this traffic we agree to share with the liquor-seller the responsibilities and evils of his business. Every man who votes for license becomes, of necessity, a partner to the liquor traffic and all its consequences — the most degrading and ruinous of all human pursuits."

An extract from a letter by Archbishop Messmer, of Milwaukee, to the National Model License League:*

"The fact cannot be denied that what is called the American saloon,— for it is a specifically American institution,— as generally conducted, has been a source of untold misery and sin. The material ruin of tens of thousands of families, and the moral ruin of tens of thousands of young men and women, can be traced to the saloon, while its public influence in Church and State has been positively harmful. It is this universal fact, not fanaticism, that has caused a tidal wave of prohibition to roll over the land."

Henry Ward Beecher:

"Every year I live increases my conviction that the use of intoxicating drinks is a greater destroying force to life and virtue than all other physical evils combined."

Theodore Roosevelt on the saloon business:

"The friends of the saloonkeepers denounce their opponents for not treating the saloon business like any other. The best answer to this is that the business is not like any other business, and that the actions of the saloonkeepers themselves conclusively prove this to be the case. The business tends to produce criminality in the population at large and law-breaking among the saloonkeepers themselves. When the liquor men are allowed to do as they wish, they are sure to debauch, not only the body social, but the body politic also.

"The most powerful saloonkeeper controlled the politicians and the police, while the latter, in turn, terrorized and blackmailed all other saloonkeepers. If the American people do not control it, it will control them."

Bishop Phillips Brooks:

"If we should sweep intemperance out of our country, there would be hardly poverty enough left to give healthy exercise to our charitable impulses."

Archbishop Ireland:

"The great cause of social crime is drink. The great cause of poverty is drink. When I hear of a family broken up, and ask the cause — drink. If I go to the gallows and ask its victim the cause, the answer — drink. Then I ask myself in perfect wonderment, Why do not men put a stop to this thing?"

Governor B. B. Comer, Alabama:

"Before I entered upon my official duties as governor, while a strong temperance man, I was in no sense of the word a prohibitionist; but, after a year as chief executive, I am an intense prohibitionist, having been made so by the mothers, wives, and children who have come to my office for the purpose of securing pardon or stay of execution for their sons, husbands, or fathers, who have been sentenced for murder committed in nearly all cases while they were under the influence of whiskey."

Governor J. W. Folk, Missouri:

"It is a business the natural tendency of which is toward lawlessness, and the time has come when it will either run the politics of the State or be run out of the politics of the State."

Governor R. B. Glenn, North Carolina:

"I say to you deliberately, after thirty years' experience as an attorney and as a prosecuting officer in the courts, that I am firmly of the opinion that sixty per cent of crime is directly the result of strong drink, and ninety-five per cent is indirectly caused by indulgence in strong drink. Can we, then, in the face of such an appalling array, hesitate to say where we stand?"

* An organization made up of men engaged in the manufacture and sale of intoxicating liquors.

Governor Hoke Smith, Georgia:

"It is absolutely impossible to have a permanent, decent municipal government where the saloon dominates municipal politics. The elimination of the saloon will help municipal politics everywhere."

Dr. J. Starr, Chaplain Ohio Penitentiary:

"The records show that 1,250 persons have been received into this institution during the last eighteen months. Of these, 930 acknowledge themselves to have been intemperate."

New York State Commission on Prisons:

"During the year there were 28,519 commitments to the jails and 3,615 to the penitentiaries for intoxication. It would appear that one half of the convictions in the criminal courts of the State are for this single offense."

Massachusetts Bureau of Labor:

"In other words, 84.41 per cent of all the 26,672 crimes were due to intemperate habits, and 82 per cent were committed while the criminal was under the influence of liquor."

Carroll D. Wright, United States Commissioner of Labor:

"I have looked into a thousand homes of the working people of Europe; I do not know how many in this country. In every case, so far as my observation goes, drunkenness was at the bottom of the misery, and not the industrial system or the industrial surrounding of the men and their families."

Queen of Madagascar:

"I cannot consent, as your Queen, to take revenue from the sale of liquor, which destroys the souls and bodies of my subjects."

In a judgment of the Supreme Court of the United States:

"By the general concurrence of opinion of every civilized and Christian community, there are few sources of crime and misery to society equal to the dram-shop, where intoxicating liquors in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source. . . . There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a citizen of the State or a citizen of the United States. As it is a business attended with danger to the community, it may, as already said, be entirely prohibited, or be permitted under such conditions as will limit to the utmost its evils."

The Supreme Court of South Carolina, in the case of The State ex rel. George *vs.* Aiken (26 L. R. A. 345), said:

"Liquor, in its nature, is dangerous to the morals, good order, health, and safety of the people, and is not to be placed upon the same footing with the ordinary commodities of life, such as corn, wheat, cotton, potatoes, etc."

Judge Gookins, in the case of Beebe *vs.* The State (6 Ind. 542), said:

"That drunkenness is an evil, both to the individual and to the State, will probably be admitted. That its legitimate consequences are disease and destruction to the mind and body, will also be granted. That it produces from four fifths to nine tenths of all the crimes committed is the united testimony of those judges, prison-keepers, sheriffs, and others engaged in the administration of the criminal law, who have investigated the subject. That taxation to meet the expenses of pauperism and crime falls upon and is borne by the people, follows as a matter of course. That its tendency is to destroy the peace, safety, and well-being of the people, to secure which the first article in the Bill of Rights declares all free governments are instituted, is too obvious to be denied."

T. M. Gilmore, the President of the National Model License League, said:

"The handwriting is on the wall. I will say to you that the press and the people of this country have decided that the laws of this country shall be obeyed as the laws of Europe are obeyed. Our trade to-day is on trial before the bar of public sentiment, and, unless it can be successfully defended before that bar from every possible standpoint, I want to see it go down forever. As long as the present status of the saloon remains, all of the laws that society can pass will neither compel obedience to law, except spasmodically, nor take the liquor-dealer out of politics. The purpose of the Model License League is to assist society to bring about the absolute and automatic enforcement of the laws, and the only way, in our opinion, that this can be accomplished is by changing the status of the saloon license. We know by long experience that high license compels the handling of inferior and of imitation goods. High license never has benefited society.

"We hold that our business is either right or wrong. If it is wrong, it ought to be wiped out, root and branch."

GOVERNOR HUGHES' POLICY OF WATER CONSERVATION

THE Eastern States, as well as the Western, have their pressing problems of conservation. Even in so well-established a commonwealth as New York there are conspicuous illustrations of the reckless waste of natural resources. Two years before President Roosevelt called attention to the nation's neglect of the energy furnished by the Mississippi River and its tributaries, Governor Hughes had emphasized the general disregard, in New York, of the commercial advantages of the rivers of the State.

In three successive messages Mr. Hughes has insisted upon the necessity of conserving water powers for the benefit of the people and the legitimate industries of the State. At the present time the people have under consideration the expenditure of $20,000,000 in the development, on a large scale, of the State's extensive water resources. Governor Hughes believes that New York's future prosperity depends largely upon the successful carrying out of this plan. The economic greatness of any State rests upon some basic advantage — some natural product that can readily be coined into efficiency and wealth. The industrial prosperity of Pennsylvania is attributable to its coal and other minerals; the fertility of the soil of the great Western States explains their overflowing wealth; were there no navigable Hudson River, there would be no metropolis at its mouth. The progress of New York, first agricultural, then commercial, seems destined in the future to be largely industrial. Absolutely it is now our greatest manufacturing community; relatively to its population, however, it is smaller than Pennsylvania, Ohio, and even some of the New England States.

Manufacturing depends primarily upon power — upon turning to the uses of man the energy that nature, for countless millenniums, has been storing up in the earth. New York and the New England States have practically no coal, but in their hundreds of water-courses they have a greater and more enduring form of power. In both these sections, and ultimately in the whole country, the manufacturers must seek their motive force, not in the earth below, but in the heavens above. The rains and snows of New York have already added greatly to the State's attractiveness, have dotted the Adirondacks with hundreds of beautiful lakes and streams and converted the region into a beautiful playground and health resort; but, without forgoing their usefulness in these directions, they can also add to the general welfare by increasing the people's wealth. They are the Empire State's liquid coal, which, thousands of years after the black beds of the Appalachians have yielded up their final tribute to civilization, will still flow on, as inexhaustible a source of energy as they were a million centuries ago.

There are really three Hudson rivers, but only one is apparently serving any useful purpose. The other two, formed of the surplus waters of the Adirondacks and the other Hudson watersheds, are not only wasted, but frequently endanger the property and lives of the people living on their shores. Disasters similar to the recent floods of Paris are constantly happening in New York and other States. In the last hundred years Rochester has been flooded many times by the unrestrained Genesee; and in Albany it is no unusual experience for the lower part of the city to find itself under water. In 1902 the damages caused by flood in New York State amounted to $3,000,000. The mountain snows gather in the hills all winter, melt rapidly in spring, tumble down the valleys, overflow the farms, destroy the bridges, drown the cattle, and sometimes even overwhelm the farmers themselves. Instead of wreaking all this injury, these waters might be used to turn the wheels of hundreds of factories and furnish employment to thousands of men.

From the engineering standpoint the problem involves few difficulties. The successful use of water power depends entirely upon the regulation of its flow. The factories need a steady and even supply of water throughout the year. This is precisely what, under present conditions, they cannot get. The whole world admires the Hudson River, but, from the manufacturer's point of view, it is a sorry failure. Stable and heroic as it seems, its chief characteristic, in the mill-owner's mind, is its extraordinary fickleness. It is absolutely undependable. Its waters, in that section north of Albany where the factories are located, are either a flood or a famine. Part of the year the river overflows its banks, and the rest of the time the mills scattered along its shores have to shut down because

there is not water enough to turn their wheels. On the other hand, when the river is running wild, there are many more thousand horse-power than the factories can use. Work on the northern Hudson, therefore, is impossible all the year around. How greatly the waterflow varies is shown from the fact that in 1869, the year in which occurred the largest recorded volume of water, the flow during freshet time was 70,000 cubic feet a second, while the least daily recorded run off, in 1908, was 700 cubic feet per second. What is true of the Hudson is virtually true of all the other numerous water-courses in the State. Outside of the potential energy of Niagara Falls and the St. Lawrence River, a careful calculation shows that New York is annually emptying into the sea an amount of water that might easily be made to yield 1,500,000 horse-power.

Governor Hughes went about this problem in the approved Hughes way. In his first message he urged the Legislature to appropriate money for an investigation of the State's water power. The Water Supply Commission, which undertook the work, has spent two years in a minute inspection of the State's resources and in devising plans for their utilization. It now proposes that the State itself shall undertake the conservation of these water resources and reap the profits. The annual overflow, the Commission reports, can be readily gathered into enormous reservoirs, and can then be gradually fed out as commercial needs demand. In illustration of their general program may be cited the large storage lake that the Commission proposes to build first.

The greatest single tributary to the Hudson, outside of the Mohawk, is the Sacandaga River. This stream is the product of several hundred smaller water-courses which rise in the depths of the dense Adirondack forests. It winds southwesterly up about seventy-five miles, entering the Hudson at Hadley, a place nearly fifty miles north of Albany. At a little village called Broadalbin it enters what was, fifty years ago, an especially fertile and beautiful valley In the dark abysm of geologic time this valley was unquestionably the bed of a lake, and a simple engineering exploit can easily restore its primeval condition. It is now proposed to build a large earth dam at Conklingville, about 1,200 feet long, 95 feet high, and 110 feet thick at the top. When this structure is once built, the surplus water of the Sacandaga watershed, which covers about 1,050 square miles of territory, will no longer hasten, in all its wastefulness, to the sea. When the spring freshets come, the water will rush down the Sacandaga valley until it reaches this solid structure; then it will gradually spread over the banks, cover the old farms and stripped woodlands, and gradually rise until another body of water is formed as large as Lake George. There the water will be held until the time comes when the natural supply falls short in the manufacturing section north of Albany. Then large sluice-gates will be opened, and the water of the new Sacandaga Lake will pour down the stream, and turn wheels in the mills which, but for this stored-up supply, would stand helpless for the larger part of the summer.

In this way manufacturers will receive almost 10,000,000,000 cubic feet of additional water during the part of the year when it is most needed. Whenever the rivers are able to furnish naturally an adequate supply, the sluice-gates will be closed up and the water again stored. The supply of water can thus be kept fairly uniform throughout the year and a constant source of power obtained. At no time will the proposed lake be drawn off so that its banks will become unsightly; it is believed that, with proper shore treatment, it can be made as beautiful a part of the landscape as any natural sheet of water, and as useful as a health and pleasure resort.

Other new storage lakes of similar size are planned for the Schroon River, the Racquette, the Genesee, and the Delaware. Obviously, enterprises of this magnitude, involving large expenditures and many and conflicting interests, cannot readily be carried through by individuals or corporations. Governor Hughes believes that the construction of these large reservoirs, and the sale of the water to such manufacturers as care to use it, is a proper exercise of governmental authority. He is determined that resources so fundamental to the general welfare shall no longer go to waste, and believes that the ownership, supervision, and emoluments should accrue to the State. Though his primary idea is to build up the State's industries and provide for the future, he thinks that, in addition to this, the State will secure a revenue in the rental obtained. The cost of the Sacandaga reservoir will be about $5,000,000, and the financial plan provides for a rental from the users of the water which will pay interest on this and provide for a sinking fund, and at the same time return a reasonable profit to the commonwealth. The people of the States that have large unused water powers will closely follow this experiment in New York, embodying, as it does, a new theory of State encouragement to private industries, which, it is believed, is likely to find general acceptance.